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CONFIDENTIAL

IAB ADMIN. # 46

May 20, 2013

To: Michael K. Meehan, Chief of Police
From: Angela Hawk, Sergeant, Internal Affairs Bureau
Subject: In-Custody Death of Xavier Moore

INCIDENT SUMMARY:

On February 12, 2013 at approximately 2349, BPD received a call from Hayes reporting a dispute with his roommate, Moore. Moore was reported to schizophrenic, off his medication, and under the influence of alcohol. Officer G. Brown and Officer B. Smith were dispatched to the call. Officer Tu attached himself to the call. The responding officers contacted Hayes in front of the apartment building. Hayes believed Moore should be placed on a psychiatric hold (WI 5150).

Moore was initially contacted at the front door of apartment #514. Moore made nonsensical statements to the officers. A records check showed an outstanding warrant for Hayes and a possible outstanding warrant for Moore. Officer Smith took custody of Hayes for the outstanding warrant. Brown decided to take Moore into custody for a WI 5150 evaluation and for the warrant. When Officer Brown and Officer Tu went to detain Moore in handcuffs, Moore became combative and the ensuing struggle continued into the apartment. Additional officers responded. Moore was subsequently detained using two sets of handcuffs and an ankle strap.

Once detained, BFD was requested. Moore started to have difficulty breathing. Moore then stopped breathing. Officers removed the handcuffs and started CPR on Moore. Moore was transported to Alta Bates Hospital by BFD where he was pronounced dead at 0134 hrs.

Alameda County District Attorney's Office was contacted, but did not conduct an investigation into this incident.

Berkeley Police Department Homicide Unit conducted an investigation into the incident.

The Alameda County Coroner's Office conducted an autopsy on Moore. The Coroner's report stated the cause of Moore's death was from acute combined drug intoxication with a contribution from morbid obesity and intrinsic cardiovascular disease.

CONFIDENTIAL

INVOLVED OFFICERS

STATEMENT OF OFFICER G. BROWN

INTERVIEWED ON 02-14-13, RECORDED AND TRANSCRIBED

Brown said she was working patrol assigned to Beat 4 when the call came out. She recalled the call was broadcast as a 415 between roommates. One of the roommates was reported to be schizophrenic, off his meds, and had kicked his roommate out.

When Brown arrived, she did not see the reporting party (Hayes). Tu arrived and pulled in behind Brown. Brown had dispatch call Hayes. Hayes met them in front of the apartment building. B. Smith arrived. Hayes told them his roommate (Moore) had kicked him out, was schizophrenic, off his meds, and needed to be 5150'd. Hayes further explained Moore had been drinking and doing drugs all day. They had an argument when Moore wanted money to buy more drugs.

Before they went upstairs, B. Smith confirmed Moore's name. B. Smith ran a records check on Moore and learned he had a \$10,000.00 warrant out of San Francisco.

Hayes led them to apartment 514. The apartment is on the north side of the building. The front door was closed. Hayes unlocked the door. Brown called out to Moore. Moore came to the door and opened it up. Brown initially thought it was not Moore, because Brown was expecting to see a man. Moore was dressed in a animal print tube top and a wrap-around skirt. Brown explained why they were there. Moore started to talk about the "FBI" and "dinosaurs". He also referred to Brown using different names, such as "Gail and Carol". Brown said she tried to keep Moore on topic. Brown described Moore's demeanor as theatrical. Brown believed Moore "maybe 5150."

As Brown talked to Moore, B. Smith ran a records check on Hayes. Hayes had a warrant out of San Francisco, which was confirmed. Brown instructed B. Smith to arrest Hayes on the warrant. B. Smith left with Hayes.

Brown made the decision to arrest Moore and looked at Tu. Brown told Moore he had a warrant, which needed to be cleared up. Moore said he did not have a warrant and told Brown he needed to go inside and call the FBI. Brown grabbed one of Moore's hands and Tu grabbed the other. Moore exploded and pulled them into the apartment. They fell on a twin size mattress that was on the floor and struggled to restrain Moore. They told him to stop resisting. Moore was on his stomach with his face to the side. Brown was on Moore's right side and Tu was on the left. Brown got her handcuffs out and they were able to get one hand cuffed. Moore had his other hand buried under his chest. Another man (██████) was in the apartment and Brown told him to get out. ██████ complied. Brown grabbed her mic and called for additional units.

Moore continued to struggle and started kicking. Brown said Moore started "bucking like a horse." Tu partially straddled Moore and Brown was towards Moore's shoulder area. Additional officers arrived. At some point, Moore said, "Okay, Okay". Brown took this

to mean that Moore was going to stop resisting. Moore relaxed a little and they were able to get Moore handcuffed. They used two sets of handcuffs. Brown did not remember which officer arrived first. Brown recalled B. Smith, Mathis and Gardner being there. Brown confirmed none of the officers used their body weight on Moore's chest, neck or head. Someone grabbed Moore's legs.

Brown said a sergeant brought up a WRAP. She believed it was Phillips. They put on the ankle strap. Moore continued to struggle, but then just stopped. He was lying partially on his left side and partially on his stomach. Brown said she continued to watch Moore and didn't see his chest moving. Brown said, "I don't think he's breathing." They pulled him over completely on his side. Brown saw Moore's chest start to move and Brown confirmed he had a pulse. Moore shrugged his shoulders and shook his head a little bit. Brown continued to watch Moore and about a minute later, Moore's chest stopped moving. Brown checked for a pulse again and could not find one. They took the handcuffs off Moore and pulled him over on his back. The mattress was soft, so they pulled Moore to the floor to start CPR. Phillips got on the radio and requested BFD to respond Code 3. Tu started chest compressions. Brown said she held Moore's head to open his airway and requested a CPR mask. BFD arrived. Brown recalled Cardoza was also present when they started CPR.

Tu followed Moore to the hospital. Brown remained on-scene until Cardoza told her to return to the station and begin her report. Cardoza was the scene supervisor. Brown left when the ID tech arrived at the apartment.

Brown said she never struck Moore with her hand or an object, never kicked Moore, nor did she use any weapons. Brown never saw another officer strike Moore or use any weapons.

Brown said she had never had contact with Moore prior to the incident, but knew of him. Moore's mother had called approximately one month prior asking for a welfare check on her son. Moore's mother was concerned because Moore was reportedly depressed, going through a sex change, and a heavy drug user. Brown went to Moore's apartment, but no one was there.

STATEMENT OF OFFICER K. TU

INTERVIEWED ON 02-13-13, RECORDED AND TRANSCRIBED

Tu said he was working Team 4, Beat 3 when the call came out. Tu responded to report of a disturbance between roommates at 2116 Allston Way. The apartment complex is known as the Gaia building. Tu arrived on-scene along with Brown and B. Smith. They contacted the reporting party (Hayes) in front of the apartment building. Hayes told them Moore should be placed on a 5150 hold. They followed Hayes to his apartment, number 514. Hayes opened the door with his key. Brown called into the apartment from the doorstep and Moore came to the front door. Brown started talking to Moore. Moore rambled and stated he was being followed by the FBI. Moore did not believe they were real police officers.

B. Smith started conducting records checks on Hayes and Moore. Hayes had an active warrant. Brown tasked B. Smith with confirming the warrant on Hayes and then transporting him. Tu did not know what the warrant was for because he was monitoring radio traffic on channel 1. B. Smith took custody of Hayes and escorted him downstairs to his patrol car.

Brown asked Moore to step outside of his apartment. Moore agreed and stepped out on the landing. At that point, Brown informed Moore he also had a warrant. Tu did not know how Brown found out about the warrant. Moore became pretty upset. Moore started yelling and claimed he needed to call the FBI. Brown tried to calm Moore down, but he wasn't listening. Brown looked at Tu and nodded, which Tu took as a signal to handcuff Moore.

Tu grabbed Moore's left wrist with both of his hands. Brown took the other side. Moore screamed, tried to pull away and started to back into his apartment. Tu maintained his grip, but could not stop Moore from pulling them into the apartment. Moore pulled them though the hallway towards the living room. Tu saw Sterling sitting on the bed in the living room. Sterling immediately jumped up and ran to the other side of the room. Brown directed Sterling to go outside. Moore broke Tu's grip, fell onto the bed, and started to kick at Tu. To prevent Moore from kicking him, Tu put his torso on Moore's hips. Tu grabbed Moore's right arm and placed Moore in a rear wrist lock. Moore rolled over on his stomach and tucked his left arm underneath his body. Brown could not get to Moore's left hand. Brown called for cover. After several minutes, other officers arrive. B. Smith was first to arrive and then Mathis, Gardner, and Kastmiller. They were able to get Moore handcuffed by using two sets of handcuffs. To control Moore's legs, they restrained his ankles by using the ankle strap included with the WRAP. After his ankles were restrained, Moore continued to struggle. He was screaming and kicking briefly, but then he appeared to calm down. They rolled Moore onto his left side.

About a minute later, Brown announced that she didn't think Moore was breathing. She could not find a carotid pulse. They removed the handcuffs and then rolled Moore over on back to the floor. Tu did not know who removed the cuffs. Brown cleared Moore's airway and Tu began chest compressions. Tu said BFD was requested. Tu estimated that he continued compressions for about 3-5 minutes before BFD arrived. When BFD arrived, they took over CPR and then transported Moore to Alta Bates Hospital. Tu followed the ambulance to the hospital. Tu remained at the hospital until he was relieved by Frankel at approximately 01:30.

Based on Tu's training and experience, Moore appeared to be under the influence of drugs.

Tu said he never struck Moore with his hand or an object, never kicked Moore, nor did he use any weapons. Tu never saw another officer strike Moore or use any weapons.

Tu vaguely recalled a prior contact with Moore. Tu said it was a while ago at a different address for a welfare check and a 5150 evaluation. He was a cover officer.

STATEMENT OF OFFICER BRANDON SMITH
INTERVIEWED 02-13-13, RECORDED AND TRANSCRIBED

Smith said he was working patrol team 4, beat 5 when the call came out. He responded as a cover officer to a report of a 5150 off their medication at 2116 Allston Way #514. When he arrived, Brown and Tu were standing in front of the address. The reporting party (Hayes) came out and met them in front the apartment building. Hayes told them Moore had kicked him out of the apartment, was schizophrenic, off his medication, and was drunk and high. Hayes believed Moore needed to be taken to be 5150'd.

Hayes led them up to the apartment and unlocked the apartment door. Brown called out to Moore. Moore came to the door, stepped out onto the landing and appeared agitated and angry. Smith was concerned because they were five floors up and the landing was about four feet wide from the door to the railing. Moore became increasingly agitated and difficulty staying on topic. Smith said Moore rambled about the FBI. From Smith's observations, Moore appeared to be under the influence of some sort of narcotics. Moore's pupils were dilated and his hands were in constant motion, pulling at his clothes or scratching his body. Moore kept interrupting Brown.

Smith conducted the record's check on Hayes and Moore. Hayes had a \$5,000 warrant out of San Francisco. Moore had a caution code for PC 245. Smith wrote the information down on a field card and gave it to Brown. Smith said that on his way to the call, he had run Moore's name as a matter of routine. A 10K warrant came up, but Smith did not have Moore's birth date. The warrant did not come up when he ran it through Telecom. Smith went back to the car and looked at the warrant, but the birth year did not match up. Brown asked Smith to confirm the warrant on Hayes and transport him to jail. Smith walked Hayes downstairs and handcuffed him once they were in front of the building.

While Smith was searching Hayes, Brown broadcast over the radio that she needed more officers. Smith said it sounded like there was a "scuffle". Smith put Hayes in the back of his patrol car and went back to the apartment. When Smith got off the elevator, he could not see Brown and Tu on the landing. The apartment door was open and neighbors were pointing to the door. Smith went into the apartment. Moore was lying on his stomach on a mattress, Tu was lying on Moore's legs and Brown was on the left side of Moore trying to grab his arm. Tu had Moore's right arm behind his back, but was struggling to control Moore. Smith said Tu was "getting bucked up in the air."

Smith went to Moore's left side to try and gain control of his left arm. Moore left arm was tucked up under his body. Moore continued to ramble and yell. Smith said they repeatedly told him to stop resisting. They rolled Moore to the left. Moore then raised his left arm above his head. Brown grabbed Moore's wrist, but was unable to bring his arm back. Smith grabbed Moore's fingers and told Brown to move out of the way. Smith gained control of Moore's arm and pulled it behind his back. They used two sets of cuffs to restrain Moore's arms. As they were handcuffing Moore, two or three officers arrived. Moore was still kicking, screaming, cussing, and bucking. Tu moved off to Moore's right side. Sergeant Phillips and Cardoza arrived. Smith believed Phillips had a WRAP with

her. He also recalled Mathis and Gardner being there. Smith was concerned about Hayes, so he went back downstairs. When he left, Moore was still struggling.

Once he got to his car, Smith got Hayes out of his car, made sure he was okay, and completed his search. Smith heard radio traffic requesting a gurney and shortly thereafter heard that the subject (Moore) had stopped breathing and CPR was started. Smith remained on-scene to see if he was needed. BFD responded and brought Moore down on a gurney. At this point, Kaplan and Ross were on-scene. Kaplan took custody of Hayes. Smith remained on-scene, until Sergeant Phillips directed him to take a statement from Hayes at the station.

Smith never struck Moore with his hand or an object, never kicked Moore, nor did he use any weapons. Smith never saw another officer strike Moore or use any weapons.

Smith did not recall having any prior contact with Moore.

STATEMENT OF OFFICER MATHIS

INTERVIEWED ON 02-13-13, RECORDED AND TRANSCRIBED

Mathis was working as the Beat 6 officer on patrol Team 3 when he heard Officer Brown request for "additional units" at 2116 Allston. Mathis said he responded Code 3 because of the tone of Brown's voice and what sounded like a "struggle" over the radio. Mathis said the initial call was for a "415" (disturbance).

When he arrived, Mathis discovered that the apartment building entrance was being held open by a card placed by one of the previous officers. Mathis took a bench from the lobby and placed it the doorway to prevent the door from closing. Mathis knew the apartment was on the fifth floor, so he opted to take the elevator. Two additional officers arrived at about the same time. Mathis recalled one of the two officers was Gardner, but he could not remember the other. The three of them rode up together.

The door to apartment 514 was open. Mathis looked into the apartment and saw officers were "struggling" with and getting thrown around "by a very large person". They were on top of a type of futon mattress or something similar on the floor. The officers were all "kind of gettin' bucked" by the person (Moore) on the ground. Mathis recalled Tu, Smith, and Brown were inside the apartment. Mathis saw Tu getting kicked by Moore's flailing legs. Tu was lying to Moore's right side trying to hold Moore's hips and upper torso down. The officers were telling Moore to "stop fighting, stop resisting" and "stop resisting and give us your hands." Mathis stated the officers were having "a real difficult time at controlling this individual." Moore screamed and yelled, "Get off." Moore was lying face down at the time and was naked from the waist down.

Mathis realized Moore's feet/legs needed to be controlled, so he grabbed one ankle, crossed it over the other, and then got kicked off. Mathis reacquired his grip, placed his knee on the top of Moore's ankle and used his body weight to control Moore's leg. Mathis was then able to cross Moore's right ankle over the left. Mathis had to use both of hands and knee to control Moore's feet. Mathis was focused on his task and could not

describe the actions of the other officers. He recalled hearing one of the officers say, "I got it." Mathis took this to mean that Moore was handcuffed, but he did not actually see Moore get handcuffed. At some point, Mathis also knew a WRAP had been brought up by either Cardoza or Phillips. Mathis specifically asked for the "leg strap".

Another officer brought over the strap and had it in a "loop". Mathis said it is "too difficult" to apply it that way, so Mathis had the officer take over his position. Mathis took the strap from the officer and placed it around Moore's ankles. Mathis did not recall who assisted with the strap. Moore still tried to kick, but soon after he was handcuffed and his legs were strapped he "just kind of stopped fighting." Mathis said that tends to be the case when an individual is restrained.

Someone requested a spit hood. Mathis had one in his car so he went down to get it and to also escort BFD up to the apartment. When Mathis left the apartment, Moore was still lying face down. Mathis also heard Brown say, "All this over a \$10,000 warrant." While waiting for the paramedics, Mathis heard over the radio that officers were starting CPR. Mathis waited until the paramedics arrived and then escorted them up to the apartment. Moore had been rolled onto the floor and was lying on his back. Tu was administering CPR. The paramedics took over. Mathis walked Tu outside the apartment because, "He was probably pretty spent."

Mathis did not nor did he see anyone strike Moore with a fist/kick/object, use a baton, deploy OC or use a firearm.

Mathis was then assigned to canvas the neighbors. Once Mathis finished with the canvas, he was assigned to security while the Crime Scene Technician (Jamison) photographed the apartment. Smith provided Mathis with the keys to the apartment. The keys belonged to Hayes. Once Jamison finished, Mathis locked the apartment door and then returned the keys to BPD jail.

Mathis had no prior contact with Moore.

STATEMENT OF OFFICER KASTMILER
INTERVIEWED 02-13-13, RECORDED AND TRANSCRIBED

Kastmiller was working on patrol team 4, beat 7 when he heard radio traffic from Brown requesting emergency cover. Kastmiller responded Code 3. Kastmiller arrived at basically the same time as Mathis and Gardner. They took the elevator up to apartment #514. The front door was open. They went inside the apartment and Kastmiller saw a very large male (Moore) lying on a mattress. Moore was on his stomach. Brown, Tu, and Smith were struggling to control Moore. Moore was kicking, flailing around, and trying to stand up.

Kastmiller grabbed Moore's arms. Moore was already in handcuffs, but was raising his arms up and trying to grab Kastmiller's wrist. Kastmiller said he placed his shin and knee on the back of Moore's left leg in effort to control Moore's movement. Moore was trying to kick officers.

Kastmiller recalled Tu was to his right and Smith and Brown were to his left. Kastmiller could not recall what specific actions those officers took. Kastmiller said Mathis was trying to control Moore's legs along with Gardner. Shortly thereafter, Phillips and Cardoza arrived.

Kastmiller said they placed the leg restraint of the WRAP on Moore. Moore stopped resisting. Moore was placed on his side. Kastmiller did not remember Moore yelling, but recalled officers told Moore to "calm down" and to "stop resisting".

About a "minute" later, Moore stated having difficulty breathing. Kastmiller heard Brown say, "I think he's not breathing." Kastmiller put his hand on Moore's chest to feel for the rise and fall of Moore's chest and to find a pulse, but he didn't feel anything. They removed the handcuffs and rolled Moore onto the floor so he was lying on his back. Tu started chest compressions. In case Moore regained consciousness, Kastmiller maintained control of Moore's right wrist and leg. When the paramedics arrived, Kastmiller backed out of the way.

Kastmiller did not nor did he see anyone strike Moore with a fist/kick/object, use a baton, deploy OC or use a firearm.

After Moore was transported, Kastmiller obtained a statement from Sterling and then assisted with securing the apartment.

STATEMENT OF OFFICER GARDNER
INTERVIEWED ON 02-13-13, RECORDED AND TRANSCRIBED

Gardner was working Team 3 as the Beat 16 patrol officer when he heard Brown broadcast something to the effect of "send us more officers". From the transmission, Gardner believed Brown was in "some kind of struggle". Gardner responded Code 3 to 2116 Allston Way. He believed the original call was for "some kind of disturbance" or a "fight between roommates".

When Gardner arrived, Mathis and Kastmiller were already on-scene and about to enter the building. The three of them took the elevator up to the fifth floor. The apartment door was open and Gardner could see into the living room area. Three officers were struggling to subdue a "grotesquely morbidly obese person". Moore was "kind of on his knees" and his hands were "partially behind his back". Moore was trying to "rise up". Tu was on the right side of Moore, Smith was to Moore's left side, and Brown was near his shoulder area. Gardener did not recall anyone else in the room.

Moore was not handcuffed, Gardner focused on Moore's hands. When Gardner went to grab one of Moore's wrist, he realized two sets of handcuffs were linked together with one cuff secured to Moore's wrist. Gardner then grabbed the uncuffed hand. They were able to Moore handcuffed. Moore continued to struggle and was trying to "get up". Mathis was holding Moore's ankles. Someone called for a WRAP. Moore would not fit in the WRAP, so they decided to use only ankle strap. Cardoza gave Gardner the ankle strap. Gardner then gave the strap to Mathis and took over holding onto Moore's ankles.

Gardner recalled officers giving Moore commands similar to stop resisting, but he could not remember exactly what was said. Moore continued to struggle even though he was in restraints. They requested BFD to assist with the transport, because Moore was too big to fit in the WRAP. Phillips requested BFD. Gardner believes Moore was lying partially on his side at this point and they no longer had to hold him down. Gardner did not know why Moore was handcuffed or why he was being transported.

While waiting for BFD, Moore stopped breathing. Phillips requested BFD for a medical emergency. Gardner removed the handcuffs and they rolled Moore over on his back. Tu started chest compression. Gardner left the apartment and stood out on the landing to look for BFD. Gardner went back in and asked Tu if he needed a break. Tu said he was fine, so Gardner went back outside and discovered BFD had arrived. Gardner directed them to the apartment.

Gardner did not nor did he see any officer strike Moore with a fist, kick or object, use a baton or OC spray, or use a firearm.

STATEMENT OF SERGEANT PHILLIPS

INTERVIEWED ON 02-13-13, RECORDED AND TRANSCRIBED

Phillips was working as a patrol supervisor for Team 4 when she recalled Brown request for more cover over the radio. Phillips said the radio traffic seemed a "little bit choppy" and there was "screaming". Phillips knew Brown and other officers were on a "5150" call. Phillips responded Code 3 from the station.

Phillips and Cardoza arrived at the same time. They took the elevator up to the fifth floor to apartment #514. When they got off the elevator, Phillips saw a black male standing a couple of doors down from the apartment. She assumed he was either someone that knew about the circumstances or a neighbor. Phillips did not see any officers outside on the landing. The apartment door was open.

Phillips walked in and saw officers trying to restrain an individual (Moore). Moore was lying on a futon mattress on the floor of the living room. Moore was handcuffed with two sets of handcuffs. Moore was nude, had long braids, was African American, and weighed approximately 350-380 lbs. Phillips could not tell Moore's gender because he was lying on his stomach. Phillips recalled seeing Brown, Tu, Smith, Gardner, and Mathis. The officers were holding Moore's arms and legs. Brown was near Moore's head, but none of the officers held down Moore's head, neck, or chest. Smith and Tu were near his upper body, while Mathis and Gardner tried to gain control of Moore's legs. Moore was "kicking". Officers told Moore to "stop resisting" and "stop moving". An officer asked for a spit mask and another asked about the WRAP. Phillips said Cardoza had grabbed the WRAP from her car before they came upstairs. They started to take out the WRAP and Mathis yelled for the ankle strap. Mathis placed the ankle restraint around Moore's crossed ankles. Phillips requested a spit mask over the radio.

Moore continued to struggle after being restrained for maybe a minute or two before he started to calm down. Moore was breathing and did not make any complaint of pain or need for an ambulance. Moore was lying on his left side. Phillips recalled seeing Moore's profile and then realized she recognized him.

Phillips requested BFD for a gurney due to Moore's size and the need to keep him restrained. While waiting for BFD, Brown became concerned that Moore was not breathing. Phillips saw Moore's chest move and he opened his eyes. Phillips told dispatch they needed BFD for a medical, because the subject was having difficulty breathing. About a minute later, Moore stopped breathing. Phillips broadcast, "The subject is not breathing. We're starting CPR." They took off his handcuffs and rolled Moore on his back. Tu immediately started chest compressions. Tu continued the compressions until the paramedics arrived and took over. Phillips then learned from Brown that Moore had a \$10,000 warrant. Tu and Brown remained inside with the paramedics. Phillips and the other remaining officers went outside to give them room.

Phillips spoke to an individual who identified himself as Moore's caretaker ([REDACTED]). [REDACTED] told Phillips that Moore uses meth, heroin, weed, and regularly drinks alcohol. Phillips relayed this information to the paramedics.

Once Brown was determined to be the case officer, Cardoza assumed the role of scene supervisor. Phillips assisted with the delegation of assignments.

Phillips said the only time she touched Moore was to remove the strap from his ankle. Phillips did not nor did she see any officer strike Moore with a fist, kick or object, use a baton or OC spray, or use a firearm.

Phillips knew Moore from a prior contact. Phillips said "less than a year ago", she responded to an address in Beat 13. Moore's father had called BPD to request a "5150" hold on Moore. The father said Moore used drugs and drank. Moore ultimately agreed to voluntarily go to the hospital.

STATEMENT OF SERGEANT CARDOZA
INTERVIEWED ON 02-13-13, RECORDED AND TRANSCRIBED

Cardoza was working as a patrol supervisor for Team 3. Cardoza responded to 2116 Allston when officer on-scene in apartment #514 requested Code 3 cover. Cardoza believed the initial call was for a schizophrenic individual who was possibly of their medication and drunk. Cardoza responded from the station.

When he arrived, Cardoza grabbed a WRAP and rode up the elevator with Phillips. The apartment door was open. Cardoza looked inside and saw a group of officers restraining an individual (Moore) on a mattress. Cardoza said, "The individual was screaming and actively resisting, both kicking and fighting the officers." Cardoza recalled seeing Mathis, Brown, and Tu inside the apartment. Mathis was trying to restrain Moore's legs. Cardoza could not recall the position or actions of the other officers in the room. Moore was face down, "squirming around", and trying to kick officer with his feet. Officers eventually

handcuffed Moore and used the ankle strap from the WRAP to control his feet. Moore continued "resisting" and was "still screaming". Cardoza did not remember what Moore was screaming.

Cardoza did not assist with the efforts to restrain Cardoza. Cardoza did not know why the officers were trying to restrain Moore.

Cardoza did not recall officers placing their bodies on top of Moore's head or neck area or on his chest area. Cardoza did not nor did he see any officer strike Moore with a fist, kick or object, use a baton or OC spray, or use a firearm.

Cardoza said BFD was requested for a medical evaluation and a gurney. The gurney was needed because of Moore's size and "combativeness". Cardoza left the apartment to meet with BFD and escort them up. When Cardoza left, Moore was still resisting.

Cardoza waited for BFD for less than a minute. As the fire department engine rolled up, Cardoza heard over the radio that officers were starting CPR on Moore. Cardoza accompanied the paramedics upstairs to the apartment. When Cardoza entered the apartment, Moore was lying on the floor on his back. Tu was doing chest compression on Moore. The paramedics took over and then transported Moore to the hospital. Cardoza notified the on-duty watch commander about the incident and of what occurred.

As the scene supervisor, Cardoza began making assignments, which included assigning officers to take statements and conduct a neighborhood check. He also requested an ID Tech to photograph the scene.

Cardoza had no prior contacts with Moore.

Cardoza completed the Use of Force Report and a Sergeant's log regarding the incident.

CIVILIAN WITNESSES

STATEMENT OF JOHN HAYES

02-13-13, WRITTEN STATEMENT

Hayes said he lives at 2116 Allston Way #514 with his roommate, Xavier Moore. Hayes has known Moore for about 15 years. Hayes reported Moore was a drug user of meth and crack and that he drank alcohol every day.

Hayes got home at around 5 p.m. Moore was high on speed and drunk. Hayes stated when Moore is under the influence, he wants to fight. Moore started to ask Hayes for money to buy more drugs and alcohol. Moore would not leave Hayes alone and they started to argue. Moore told Hayes to get out of the apartment. Hayes was concerned Moore was going to attack him, so he left.

Hayes called the police. The officers went upstairs to speak with Moore. Moore was acting “ziggity boom”, which made Hayes believe Moore was high.

Hayes said Moore has a history of being angry and once stabbed someone in San Francisco a few years ago.

02/13-13, RECORDED INTERVIEW WITH HOMICIDE DETECTIVES

Hayes said he has been living with Moore for a “couple of months” at 2116 Allston Way, apartment #514. They were formerly in a dating relationship and lived in San Francisco for a period of time.

On 02/12/13, Hayes returned home around 5 p.m. – 6 p.m. Moore and his girlfriend “Angel” were in the apartment. Moore wanted money for alcohol and “speed” (methamphetamine). Hayes refused and Moore told him to move out. Moore also ordered “Angel” to get out when she told him that she did not have any more speed. Both Hayes and Angel left the apartment. Hayes described Moore as being “violent” and “threatening”.

Hayes returned later and found Sterling and Moore in the apartment. Sterling is a friend of Hayes and had also been acting as Moore’s “caregiver”. Moore was yelling for more “speed” and alcohol. He was pacing between the bedroom and the living room. Moore was talking fast, chain-smoking, and was acting “usual”. Hayes said Moore was on a “3-4 day” binge on speed and alcohol. Moore was violent and aggressive. Hayes regarding Moore’s behavior was unusual based on Moore’s behavior during prior drug binges. Moore also suffered from “psycho-affective” disorder, but had not taken his medication for some time.

Hayes left the apartment and called 911. Hayes told the dispatcher that Moore needed to be “5150’d”. Hayes led the officers to the apartment and unlocked the apartment door for them. Hayes was taken to jail and did not witness what occurred inside the apartment.

STATEMENT OF EDWARD STERLING

INTERVIEWED ON 02-13-13, WRITTEN STATEMENT

Sterling and Hayes got to the apartment at around 10:30 – 11:00 p.m. Moore was agitated and upset. Moore was pacing around and “wasn’t making sense”. Moore “smoked weed” and was “drinking alcohol”. Moore wasn’t acting himself, so Sterling asked Hayes if Moore had taken his prescription medication. Hayes replied that Moore had not.

Moore’s girlfriend, Angel, was at the apartment. Moore and Angel were arguing about meth. Moore thought Angel had drugs and was “holding out” on him. Moore told Angel, “If you don’t have any more drugs, you can get out.” They continued to argue and Moore threw a chair at Angel, but it didn’t hit her. Angel left the apartment. About 5 minutes later, Moore told Hayes to leave.

Sterling stayed to clean up the apartment. Moore continued to pace and act strange. Moore was having a difficult time breathing and would be out of breath after talking.

The police showed up a few minutes later. Moore talked with officer at the doorway of the apartment. Sterling could hear Moore talking “gibberish” to the officers. Moore was talking about the government and not feeling safe. Moore was not making any sense. Sterling had a difficult time hearing the entire conversation because of the television and the radio.

Sterling said a scuffle started outside between the police and Moore. The scuffle continued inside the apartment. Officers repeatedly told Moore to “stop resisting”. Moore was not cooperative with the officers. He kept resisting and speaking gibberish. Officer Brown told Sterling to get out of the apartment. Sterling left quickly. As he was leaving, Sterling worried Moore was going to “freak out” and attack him. Sterling described Moore as a “raging bull”.

Sterling said Moore has a history of drug use. Most recently, Moore has been using meth, weed, and alcohol. Sterling said he recently assumed the role of Moore’s caretaker. Sterling has known Moore for about 23 years.

SCENE

The incident occurred at the Gaia Building located at 2116 Allston Way in Apartment #514. The apartment building is a seven story complex with a central courtyard. The entrance doors to the apartment building face the interior courtyard.

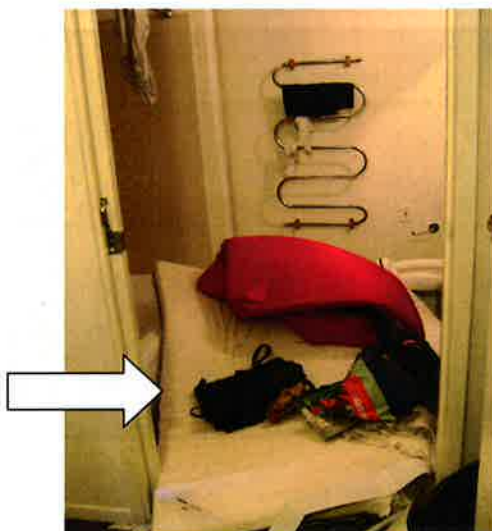


Apartment #514 is located on the north side of the apartment building. The apartment is a small one bedroom / one bath with a combined kitchen / living room.



Homicide detectives obtained a search warrant for Moore's apartment at 2116 Allston Way #514. CSO Vargas processed the scene. The apartment was found in the following condition:

As you enter the apartment, there is a small bathroom left (west) of the doorway and a hallway to the right (east). The hallway leads to the kitchen / living room.



The involved mattress was moved into the bathroom for paramedics.



The apartment was in disarray and cluttered with dirty clothes, garbage, dirty dishes, and spoiled food.



Evidence of narcotic use was discovered during the search. (See Vargas Supplemental)



OFFICER INJURIES

Brown reported pain in her right forearm and shoulder. Gardner reported and documented pain in his right knee.

SUSPECT'S INJURIES

Alameda County Coroner's Office conducted the autopsy on Moore. Moore had "circumferential areas of abrasion and contusion" on both of his wrists. This was consistent with standard handcuffing and considered normal. A 3 x 5 cm contusion/abrasion was located on his right lower leg. There were no other signs of injury. The toxicology analysis showed methamphetamine and codeine at toxic levels. The Coroner's report stated the cause of Moore's death was from acute combined drug intoxication with a contribution from morbid obesity and intrinsic cardiovascular disease. (See Attachment)

SUSPECT HISTORY

Moore had an extensive arrest history. Moore has been arrested for but not limited to the following: PC 187/664 – Attempted Murder, PC 245 (a) – Assault with a Deadly Weapon, PC 484/666 – Theft with Prior Convictions, PC 314.1 – Indecent Exposure, PC

647 (b) – Prostitution, VC 10851 – Stolen Vehicle, , PC 273.5 – Domestic Violence, PC 242 – Battery, PC 148 – Resisting a Peace Officer.

Detective Grant confirmed with SFPD that Moore had an active \$10,000 misdemeanor warrant for PC 242 (Case No. 100547712/Warrant No. 720035). The date of birth entry was not correct in AWS. The day and month were correct, but the birth year was incorrect. The correct year is 1971 and the warrant had it listed as 1952. (See Attachment)

Since July 2012, BPD has had seven documented calls for service involving Moore. Primarily the calls are regarding Moore's mental health and drug related issues. The most recent call was on 01/11/13. Moore was transported by BFD to the hospital for difficulty breathing. (See Attachments)

TRAINING RECORDS

California Peace Officer Standards and Training requires four hours of arrest and control training every two years. At the time of the incident, Brown, Tu, Smith, Mathis, Kastmiller, and Gardner were in compliance with POST Defensive Tactics training standards. Additionally, Brown, Tu, Smith, Kastmiller all received WRAP training in May 2011. Officer Gardner received WRAP training in May 2012.

None of the aforementioned officers are CIT officers. The General Order regarding the Crisis Intervention Team (C-66) was issued on 01/24/13. Departmental training on CIT occurred on 01/31/13 and 05/13/13. Mathis attended Departmental training on 01/13/13. Smith, Kastmiller, and Tu attended Departmental training on 05/13/13.

ADDITIONAL

All of the involved officers were in full police uniform. This was confirmed by video surveillance footage obtained from the Gaia Buildings security cameras. The area of coverage is of the lobby, elevator, and the sidewalk area in front of the building. The video corroborated the officer's statements of when officers entered and left the premises. (See Homicide attachment)

Mobile Crisis was not on-duty at the time of the incident. Additionally, there were no CIT officers on-duty at the time of the incident.

Sergeant Hong contacted the Alameda District Attorney's Office and advised Deputy District Attorney Dalporto of the incident. Dalporto advised that the District Attorney's Office would not be sending an investigative team to respond.

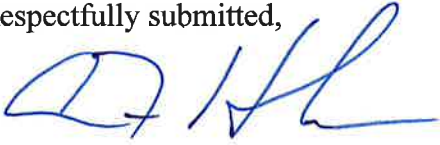
Homicide conducted a neighborhood canvas. Neighbors reported yelling and screaming, but no additional eye witnesses were located. (See Homicide attachment)

To date, Homicide detectives have been unable to identify the individual called "Angel".

The entire Homicide investigation is available for review.

The associated radio recordings are available for review.

Respectfully submitted,



Angela Hawk
Sergeant, Internal Affairs

Attachments:

1. Call For Service Reports
2. Initial BPD Report / Supplementals
3. Use of Force Report
4. Homicide Report (excerpts)
5. LEWX/AWS Warrant Printout
6. BFD Report
7. Alta Bates Report
8. Coroner's Report
9. Written Statements of Civilian Witnesses
10. Transcribed Officer Statements
11. Timeline (Based on Radio Transmissions)
12. Transcribed Dispatch Recordings
13. Prior Calls for Service
14. Applicable Policies



Detail Call For Service Report

2

Login ID: ahawk

Print Date/Time: 03/07/2013 12:48

From CFS: 211 From Date: 02/12/2013 23:49 CFS Type: All
To CFS: 211 To Date: 02/12/2013 23:49 Agency Type:
Layer: All Areas: All

CFS Number: 211 Call Date/Time: 02/12/2013 23:49:41 Primary Incident: 2013-00008510

Location: 2116 ALLSTON WAY 514 BERKELEY, CA 94710 , Berkeley Dispatch Time: 02/12/2013 23:54:32
Additnl Loc Info: Arrive Time: 02/12/2013 23:57:43
Common Name: GAIA APT BUILDING Clear Date/Time: 02/13/2013 14:08:06
Phone: [REDACTED] Nature Of Call: Created By: Boatman, Clevon G.
Call Type: 415 Report Required: No Canceled: No
Status: IN PROGRESS Priority: 2 Source: 911 Call
Police ORI: CA0010300 EMS ORI: Fire ORI: 01015

Person Information

Name	Person Type	Address	Phone	Race	Sex	DOB	Age	SSN
HAYES, JOHN	REPORTING PARTY	2150 SHATTUCK BRK, CA , Berkeley	[REDACTED]					



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:48

From CFS: 211	From Date: 02/12/2013 23:49	CFS Type: All
To CFS: 211	To Date: 02/12/2013 23:49	Agency Type:
Layer: All	Areas: All	

CFS Number: 211	Call Date/Time: 02/12/2013 23:49:41	Primary Incident: 2013-00008510
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Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative	
02/12/2013 23:49:41	Boatman, Clevon G.	E911 Info - Class of Service: W911 Special Response Info: QUERY CALLER LOCATION	FOR
02/12/2013 23:51:24	Boatman, Clevon G.	RESP: EJAVIER MOORE,BM,43, LSW/ SARONG TPE WRAP INSIDE THE BLDG	
02/12/2013 23:52:10	Boatman, Clevon G.	NO KNOWN WEAPONS APT DOES HAVE KITCHEN KNIVES	
02/12/2013 23:52:35	Boatman, Clevon G.	SHIZOPHRENIC OFF MEDS AND DRINKING ALCOHOL	
02/12/2013 23:52:45	Boatman, Clevon G.	RP WILL BE IFO THE BLDG	
02/12/2013 23:53:02	Boatman, Clevon G.	RESP IS THE RP'SOOMATE	
02/12/2013 23:53:11	Boatman, Clevon G.	Nature Of Call: ROOMATES	
02/12/2013 23:53:42	Boatman, Clevon G.	CORR:XAVIER MOORE,BM,43,SARONG TYPE CLOTHING	
02/12/2013 23:54:30	Boatman, Clevon G.	PER RP MAY NEED TO BE 5150'D	
02/12/2013 23:54:33	Smith, Brandon C.	Dispatch received by unit 4A5	
02/12/2013 23:54:48	Boatman, Clevon G.	Nature Of Call: 5150 & 647F ALCOHOL	
02/12/2013 23:55:04	Boatman, Clevon G.	PE MEDICAL & 10-42	
02/12/2013 23:57:25	Tu, Kenneth	Dispatch received by unit 4A3	
02/13/2013 00:29:38	Mathis, Brian	Dispatch received by unit 3A6	
02/13/2013 00:29:39	Kastmiller, Nikos	Dispatch received by unit 4A7	
02/13/2013 00:30:07	Gardner, Timothy	Dispatch received by unit 3A16	
02/13/2013 00:30:11	Ross, Sean	Dispatch received by unit S25	
02/13/2013 00:30:41	McClain, Tyrone J.	SEND MORE COVER	
02/13/2013 00:33:03	Phillips, Amber	Dispatch received by unit S17	
02/13/2013 00:33:11	Cardoza, Benjamin	Dispatch received by unit S31	
02/13/2013 00:34:17	Kaplan, Timothy D.	Dispatch received by unit 3A2	
02/13/2013 00:34:53	McClain, Tyrone J.	BFD FOR GRNY	
02/13/2013 00:41:19	McClain, Tyrone J.	SUBJ NOT BREATHING STARTING CPR	
02/13/2013 00:42:16	McClain, Tyrone J.	BFD ADVISED	
02/13/2013 00:54:35	Jamison, Catherine	Dispatch received by unit ID1	
02/13/2013 00:57:48	McIntosh, Elgin	Dispatch received by unit 4A9	
02/13/2013 00:58:29	McClain, Tyrone J.	1019 1015 W/ONE FOR A4	
02/13/2013 01:19:59	Sherman, Lavertta	c t3 on chnl-2 for rings a2 a4 a6 a14 and s31 remain on scene all others 1010	
02/13/2013 01:21:13	Frankel, Andrew J.	Dispatch received by unit 3A14	
02/13/2013 01:26:55	Gardner, Timothy	Dispatch received by unit 3A16	
02/13/2013 01:53:39	Brown, Gwendolyn	Dispatch received by unit 3A4	
02/13/2013 01:59:40	Smith, Brandon C.	Dispatch received by unit 4A5	
02/13/2013 02:02:12	Tu, Kenneth	Dispatch received by unit 4A3	
02/13/2013 02:04:43	Phillips, Amber	Dispatch received by unit S17	
02/13/2013 02:10:00	McClain, Tyrone J.	BFD CLEAR	
02/13/2013 02:25:12	Mathis, Brian	Dispatch received by unit 3A6	
02/13/2013 02:31:14	Kastmiller, Nikos	Dispatch received by unit 4A7	
02/13/2013 03:17:37	Mathis, Brian	Dispatch received by unit 3A6	
02/13/2013 03:22:57	Tu, Kenneth	Dispatch received by unit 4A3	



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:48

From CFS: 211 From Date: 02/12/2013 23:49 CFS Type: All
To CFS: 211 To Date: 02/12/2013 23:49 Agency Type:
Layer: All Areas: All

CFS Number: 211 Call Date/Time: 02/12/2013 23:49:41 Primary Incident: 2013-00008510

Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
02/13/2013 03:29:55	Mathis, Brian	Dispatch received by unit 3A6
02/13/2013 03:32:35	Brown, Gwendolyn	Dispatch received by unit 3A4
02/13/2013 03:36:50	Tu, Kenneth	Dispatch received by unit 4A3
02/13/2013 03:43:36	Smith, Brandon C.	Dispatch received by unit 4A5
02/13/2013 04:38:57	Phillips, Amber	Dispatch received by unit S17
02/13/2013 05:02:59	Tu, Kenneth	Dispatch received by unit 4A3
02/13/2013 07:38:38	Brown, Gwendolyn	Dispatch received by unit 3A4

Dispositions

Disposition	Disposition Count
Assist	2
A	2

Associated Areas

Area Type Code	Description
Quadrant	041
Station	Sta 2
Beat	4E
District	
Police ORI	CA0010300
EMS ORI	
Fire ORI	01015

Incident Number(s)

Incident Number	ORI Number	Primary Unit	Department Name	Agency Type
2013-00008510	CA0010300	Yes	Berkeley Police Department	Police

Unit(s)

Unit	Primary Unit	Radio Number	Personnel
4A9	No	4A09	06715 McIntosh
4A7	No	4A07	09678 Kastmiller
4A5	No	4A05	07154 Smith
4A3	No	4A03	09123 Tu
3A16	No	3A16	02450 Gardner
3A14	No	3A14	05902 Frankel
3A6	No	3A06	05457 Mathis
3A4	Yes	3A04	01241 Brown
3A2	No	3A02	03136 Kaplan
S25	No	S25	00870 Ross
S17	No	S17	08180 Phillips
ID1	No	ID1	07056 Jamison
S31	No	S31	05386 Cardoza



Detail Call For Service Report

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Print Date/Time: 03/07/2013 12:48

From CFS: 211 From Date: 02/12/2013 23:49 CFS Type: All
To CFS: 211 To Date: 02/12/2013 23:49 Agency Type:
Layer: All Areas: All

CFS Number: 211 Call Date/Time: 02/12/2013 23:49:41 Primary Incident: 2013-00008510

Call Log

Log Date/Time	Entered By	Action	Description
02/12/2013 23:49:41	Boatman, Clevon G.	Call Created	New call created. Call Type: NEW, Location: 2150 SHATTUCK, Phone Number: [REDACTED] Name: METRO PCS (800) 571-1265
02/12/2013 23:49:41	Boatman, Clevon G.	Narrative Added	E911 Info - Class of Service: W911 Special Response Info: QUERY CALLER FOR LOCATION
02/12/2013 23:49:41	Boatman, Clevon G.	Person Added	Name: METRO PCS (800) 571-1265
02/12/2013 23:49:56	Boatman, Clevon G.	Location	Location: 2116 ALLSTON WAY, Venue: Berkeley
02/12/2013 23:50:04	Boatman, Clevon G.	Location	Location: 2116 ALLSTON WAY, Qualifier: 514, Venue: Berkeley
02/12/2013 23:50:13	Boatman, Clevon G.	Call Type	NewCallType: 415, Status: In Progress, Priority: 2
02/12/2013 23:51:24	Boatman, Clevon G.	Narrative Added	RESP: EJAVIER MOORE,BM,43, LSW/ SARONG TPE WRAP INSIDE THE BLDG
02/12/2013 23:51:39	Boatman, Clevon G.	Person Updated	Name: HAYES,JOHN,, Location: 2150 SHATTUCK, Contact Phone: (415) [REDACTED]
02/12/2013 23:52:10	Boatman, Clevon G.	Narrative Added	NO KNOWN WEAPONS APT DOES HAVE KITCHEN KNIVES
02/12/2013 23:52:35	Boatman, Clevon G.	Narrative Added	SHIZOPHRENIC OFF MEDS AND DRINKING ALCOHOL
02/12/2013 23:52:45	Boatman, Clevon G.	Narrative Added	RP WILL BE IFO THE BLDG
02/12/2013 23:53:02	Boatman, Clevon G.	Narrative Added	RESP IS THE RP'SOOMATE
02/12/2013 23:53:11	Boatman, Clevon G.	Call Updated	Nature of Call: ROOMATES
02/12/2013 23:53:11	Boatman, Clevon G.	Narrative Added	Nature Of Call: ROOMATES
02/12/2013 23:53:11	Boatman, Clevon G.	Call Ready for Dispatch	
02/12/2013 23:53:42	Boatman, Clevon G.	Narrative Added	CORR:XAVIER MOORE,BM,43,SARONG TYPE CLOTHING
02/12/2013 23:54:30	Boatman, Clevon G.	Narrative Added	PER RP MAY NEED TO BE 5150'D
02/12/2013 23:54:32	McClain, Tyrone J.	Incident Created	Added Incident Number, ORI: CA0010300, Number: 2013-00008510
02/12/2013 23:54:32	McClain, Tyrone J.	Unit Status Action	Unit 3A4 Dispatched
02/12/2013 23:54:32	McClain, Tyrone J.	Unit Status Action	Unit 4A5 Dispatched
02/12/2013 23:54:33	Smith, Brandon C.	Narrative Added	Dispatch received by unit 4A5
02/12/2013 23:54:34	McClain, Tyrone J.	Unit Status Action	Unit 3A4 Enroute
02/12/2013 23:54:34	McClain, Tyrone J.	Unit Status Action	Unit 4A5 Enroute
02/12/2013 23:54:48	Boatman, Clevon G.	Call Updated	Nature of Call: 5150 & 647F ALCOHOL
02/12/2013 23:54:48	Boatman, Clevon G.	Narrative Added	Nature Of Call: 5150 & 647F ALCOHOL
02/12/2013 23:54:49	Boatman, Clevon G.	Alerts Accessed	Clicked Alert Icon: Location ALERT: Prior Incident
02/12/2013 23:55:04	Boatman, Clevon G.	Narrative Added	PE MEDICAL & 10-42
02/12/2013 23:56:05	Boatman, Clevon G.	Person Updated	Name: HAYES,JOHN,, Location: 2150 SHATTUCK, Venue: Berkeley, Contact Phone: [REDACTED]
02/12/2013 23:57:24	McClain, Tyrone J.	Unit Status Action	Unit 4A3 Dispatched
02/12/2013 23:57:25	Tu, Kenneth	Narrative Added	Dispatch received by unit 4A3
02/12/2013 23:57:27	McClain, Tyrone J.	Unit Status Action	Unit 4A3 Enroute
02/12/2013 23:57:43	McClain, Tyrone J.	Unit Status Action	Unit 3A4 On Scene
02/12/2013 23:58:15	McClain, Tyrone J.	Unit Status Action	Unit 4A3 On Scene
02/12/2013 23:58:18	McClain, Tyrone J.	Unit Status Action	Unit 4A5 On Scene
02/13/2013 00:29:37	McClain, Tyrone J.	Unit Status Action	Unit 3A6 Dispatched
02/13/2013 00:29:38	McClain, Tyrone J.	Unit Status Action	Unit 4A7 Dispatched
02/13/2013 00:29:38	Mathis, Brian	Narrative Added	Dispatch received by unit 3A6



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:48

From CFS: 211 From Date: 02/12/2013 23:49 CFS Type: All
To CFS: 211 To Date: 02/12/2013 23:49 Agency Type:
Layer: All Areas: All

CFS Number: 211 Call Date/Time: 02/12/2013 23:49:41 Primary Incident: 2013-00008510

Call Log

Log Date/Time	Entered By	Action	Description
02/13/2013 00:29:39	Kastmiller, Nikos	Narrative Added	Dispatch received by unit 4A7
02/13/2013 00:29:43	McClain, Tyrone J.	Unit Status Action	Unit 3A6 Enroute
02/13/2013 00:30:06	McClain, Tyrone J.	Unit Status Action	Unit 3A16 Dispatched
02/13/2013 00:30:07	Gardner, Timothy	Narrative Added	Dispatch received by unit 3A16
02/13/2013 00:30:07	McClain, Tyrone J.	Unit Status Action	Unit 3A16 Enroute
02/13/2013 00:30:10	McClain, Tyrone J.	Unit Status Action	Unit S25 Dispatched
02/13/2013 00:30:11	Ross, Sean	Narrative Added	Dispatch received by unit S25
02/13/2013 00:30:12	McClain, Tyrone J.	Unit Status Action	Unit S25 Enroute
02/13/2013 00:30:15	McClain, Tyrone J.	Unit Status Action	Unit 4A7 Enroute
02/13/2013 00:30:41	McClain, Tyrone J.	Narrative Added	SEND MORE COVER
02/13/2013 00:33:01	McClain, Tyrone J.	Unit Status Action	Unit S17 Dispatched
02/13/2013 00:33:03	Phillips, Amber	Narrative Added	Dispatch received by unit S17
02/13/2013 00:33:10	McClain, Tyrone J.	Unit Status Action	Unit S31 Dispatched
02/13/2013 00:33:11	Cardoza, Benjamin	Narrative Added	Dispatch received by unit S31
02/13/2013 00:33:21	McClain, Tyrone J.	Unit Status Action	Unit S31 On Scene
02/13/2013 00:33:24	McClain, Tyrone J.	Unit Status Action	Unit S17 On Scene
02/13/2013 00:33:27	McClain, Tyrone J.	Unit Status Action	Unit S25 On Scene
02/13/2013 00:33:50	McClain, Tyrone J.	Unit Status Action	Unit 3A6 On Scene
02/13/2013 00:33:58	McClain, Tyrone J.	Unit Status Action	3A6
02/13/2013 00:34:16	McClain, Tyrone J.	Unit Status Action	Unit 3A2 Dispatched
02/13/2013 00:34:17	Kaplan, Timothy D.	Narrative Added	Dispatch received by unit 3A2
02/13/2013 00:34:25	McClain, Tyrone J.	Unit Status Action	Unit 3A2 On Scene
02/13/2013 00:34:53	McClain, Tyrone J.	Narrative Added	BFD FOR GRNY
02/13/2013 00:36:11	McClain, Tyrone J.	Unit Status Action	Unit 3A16 On Scene
02/13/2013 00:36:14	McClain, Tyrone J.	Unit Status Action	Unit 4A7 On Scene
02/13/2013 00:41:19	McClain, Tyrone J.	Narrative Added	SUBJ NOT BREATHING STARTING CPR
02/13/2013 00:42:16	McClain, Tyrone J.	Narrative Added	BFD ADVISED
02/13/2013 00:54:34	McClain, Tyrone J.	Unit Status Action	Unit ID1 Dispatched
02/13/2013 00:54:35	Jamison, Catherine	Narrative Added	Dispatch received by unit ID1
02/13/2013 00:54:52	McClain, Tyrone J.	Unit Status Action	Unit ID1 Enroute
02/13/2013 00:57:45	McClain, Tyrone J.	Unit Status Action	Unit 4A9 Dispatched
02/13/2013 00:57:48	McIntosh, Elgin	Narrative Added	Dispatch received by unit 4A9
02/13/2013 00:57:48	McClain, Tyrone J.	Unit Status Action	Unit 4A9 Enroute
02/13/2013 00:58:29	McClain, Tyrone J.	Narrative Added	1019 1015 W/ONE FOR A4
02/13/2013 00:58:34	McClain, Tyrone J.	Unit Status Action	1019 1015 W/ONE
02/13/2013 01:06:51		Unit Timer Expired	Unit ID1;Enroute
02/13/2013 01:07:19	McClain, Tyrone J.	Unit Status Action	ENRT TO ABH
02/13/2013 01:09:47		Unit Timer Expired	Unit 4A9;Enroute
02/13/2013 01:11:00	McClain, Tyrone J.	Unit Status Action	1019 JAIL
02/13/2013 01:12:48	McClain, Tyrone J.	Unit Status Action	Unit 4A9 On Scene



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:48

From CFS: 211 From Date: 02/12/2013 23:49 CFS Type: All
To CFS: 211 To Date: 02/12/2013 23:49 Agency Type:
Layer: All Areas: All

CFS Number: 211 Call Date/Time: 02/12/2013 23:49:41 Primary Incident: 2013-00008510

Call Log

Log Date/Time	Entered By	Action	Description
02/13/2013 01:19:59	Sherman, Lavertta	Narrative Added	c t3 on chnl-2 for rings a2 a4 a6 a14 and s31 remain on scene all others 1010
02/13/2013 01:20:43	Johnson, Rayna T.	Unit Status Action	1019
02/13/2013 01:20:48	Johnson, Rayna T.	Unit Status Action	1019 WRITING
02/13/2013 01:21:12	Johnson, Rayna T.	Unit Status Action	Unit 3A14 Dispatched
02/13/2013 01:21:13	Johnson, Rayna T.	Unit Status Action	Unit 3A14 On Scene
02/13/2013 01:21:13	Frankel, Andrew J.	Narrative Added	Dispatch received by unit 3A14
02/13/2013 01:22:08	McClain, Tyrone J.	Unit Status Action	Unit ID1 On Scene
02/13/2013 01:26:55	Gardner, Timothy	Narrative Added	Dispatch received by unit 3A16
02/13/2013 01:31:05	McClain, Tyrone J.	Unit Status Action	ABH
02/13/2013 01:33:26	Kaplan, Timothy D.	Call Updated	Dispositions Changed
02/13/2013 01:33:26	Kaplan, Timothy D.	Unit Status Action	Unit 3A2 cleared from call
02/13/2013 01:33:47	McClain, Tyrone J.	Unit Status Action	ABH
02/13/2013 01:36:37	McClain, Tyrone J.	Unit Status Action	1019 WRITING
02/13/2013 01:49:23	McClain, Tyrone J.	Unit Status Action	1019 WRITING
02/13/2013 01:49:29	McClain, Tyrone J.	Unit Status Action	1019 WRITING
02/13/2013 01:53:39	Brown, Gwendolyn	Narrative Added	Dispatch received by unit 3A4
02/13/2013 01:59:15	McClain, Tyrone J.	Unit Status Action	Unit 3A14 cleared from call
02/13/2013 01:59:40	Smith, Brandon C.	Narrative Added	Dispatch received by unit 4A5
02/13/2013 02:02:12	Tu, Kenneth	Narrative Added	Dispatch received by unit 4A3
02/13/2013 02:04:43	Phillips, Amber	Narrative Added	Dispatch received by unit S17
02/13/2013 02:08:09	McClain, Tyrone J.	Unit Status Action	Unit 4A9 rerouted to call 230
02/13/2013 02:10:00	McClain, Tyrone J.	Narrative Added	BFD CLEAR
02/13/2013 02:25:12	Mathis, Brian	Narrative Added	Dispatch received by unit 3A6
02/13/2013 02:28:18	Parker, Steven R.	Unit Status Action	Unit ID1 cleared from call
02/13/2013 02:31:14	Kastmiller, Nikos	Narrative Added	Dispatch received by unit 4A7
02/13/2013 03:17:37	Mathis, Brian	Narrative Added	Dispatch received by unit 3A6
02/13/2013 03:22:57	Tu, Kenneth	Narrative Added	Dispatch received by unit 4A3
02/13/2013 03:29:55	Mathis, Brian	Narrative Added	Dispatch received by unit 3A6
02/13/2013 03:32:35	Brown, Gwendolyn	Narrative Added	Dispatch received by unit 3A4
02/13/2013 03:36:50	Tu, Kenneth	Narrative Added	Dispatch received by unit 4A3
02/13/2013 03:43:36	Smith, Brandon C.	Narrative Added	Dispatch received by unit 4A5
02/13/2013 03:49:52	Kastmiller, Nikos	Call Updated	Dispositions Changed
02/13/2013 03:49:52	Kastmiller, Nikos	Unit Status Action	Unit 4A7 cleared from call
02/13/2013 03:50:42	Smith, Brandon C.	Call Updated	Dispositions Changed
02/13/2013 03:50:42	Smith, Brandon C.	Unit Status Action	Unit 4A5 cleared from call
02/13/2013 04:11:41	McClain, Tyrone J.	Unit Status Action	Unit S31 cleared from call
02/13/2013 04:11:48	McClain, Tyrone J.	Unit Status Action	Unit S17 cleared from call
02/13/2013 04:38:57	Phillips, Amber	Unit Status Action	Unit S17 Dispatched
02/13/2013 04:38:57	Phillips, Amber	Narrative Added	Dispatch received by unit S17



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:48

From CFS: 211 From Date: 02/12/2013 23:49 CFS Type: All
To CFS: 211 To Date: 02/12/2013 23:49 Agency Type:
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CFS Number: 211 Call Date/Time: 02/12/2013 23:49:41 Primary Incident: 2013-00008510

Call Log

Log Date/Time	Entered By	Action	Description
02/13/2013 04:41:57		Unit Timer Expired	Unit S17;Dispatched
02/13/2013 04:45:39	Parker, Steven R.	Unit Status Action	Unit 3A16 cleared from call
02/13/2013 04:45:48	Parker, Steven R.	Unit Status Action	Unit 3A6 cleared from call
02/13/2013 04:46:01	Parker, Steven R.	Unit Status Action	Unit S25 cleared from call
02/13/2013 05:02:59	Tu, Kenneth	Narrative Added	Dispatch received by unit 4A3
02/13/2013 05:03:16	Tu, Kenneth	Call Updated	Dispositions Changed
02/13/2013 05:03:16	Tu, Kenneth	Unit Status Action	Unit 4A3 cleared from call
02/13/2013 05:04:00	McClain, Tyrone J.	Unit Status Action	Unit S17 On Scene
02/13/2013 07:38:38	Brown, Gwendolyn	Narrative Added	Dispatch received by unit 3A4
02/13/2013 10:01:29	Larks, Rena	Unit Status Action	Unit 3A4 cleared from call
02/13/2013 10:01:41	Larks, Rena	Unit Status Action	Unit S17 cleared from call
02/13/2013 14:08:05	Krocil, Lucie	Call Updated	Dispositions Changed
02/13/2013 14:08:06	Krocil, Lucie	Call Cleared	
03/04/2013 16:14:22	Smith, Katherine	Alerts Accessed	Clicked Alert Icon: Location ALERT: Prior Incident
03/04/2013 16:19:47	Tan, Eduardo J.	Alerts Accessed	Clicked Alert Icon: Location ALERT: Prior Incident
03/05/2013 10:35:45	Smith, Katherine	Alerts Accessed	Clicked Alert Icon: Location ALERT: Prior Incident
03/05/2013 14:16:42	Smith, Katherine	Alerts Accessed	Clicked Alert Icon: Location ALERT: Prior Incident



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:48

From CFS: 211 From Date: 02/12/2013 23:49 CFS Type: All
To CFS: 211 To Date: 02/12/2013 23:49 Agency Type:
Layer: All Areas: All

CFS Number: 211 Call Date/Time: 02/12/2013 23:49:41 Primary Incident: 2013-00008510

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
02/13/2013 01:06:51	default_nws	ID1	Enroute	Unit Timer Expired		GAIA APT BUILDING, 2116 ALLSTON WAY 514, Berkeley
02/13/2013 01:07:19	McClain, Tyrone J.	4A3	On Scene	Unit Location	ENRT TO ABH	ENRT TO ABH
02/13/2013 01:09:47	default_nws	4A9	Enroute	Unit Timer Expired		GAIA APT BUILDING, 2116 ALLSTON WAY 514, Berkeley
02/13/2013 01:11:00	McClain, Tyrone J.	4A5	On Scene	Unit Location	1019 JAIL	1019 JAIL
02/13/2013 01:12:48	McClain, Tyrone J.	4A9	On Scene	Unit Status Change		
02/13/2013 01:20:43	Johnson, Rayna T.	3A16	On Scene	Unit Location	1019	1019
02/13/2013 01:20:48	Johnson, Rayna T.	3A16	On Scene	Unit Location	1019 WRITING	1019 WRITING
02/13/2013 01:20:58	Johnson, Rayna T.	ID1	Enroute	Timer Override	Override time = 999	GAIA APT BUILDING, 2116 ALLSTON WAY 514, Berkeley
02/13/2013 01:21:12	Johnson, Rayna T.	3A14	Dispatched	Unit Status Change		2116 ALLSTON WAY 514, Berkeley
02/13/2013 01:21:13	Johnson, Rayna T.	3A14	On Scene	Unit Status Change		
02/13/2013 01:22:08	McClain, Tyrone J.	ID1	On Scene	Unit Status Change		
02/13/2013 01:31:05	McClain, Tyrone J.	3A14	On Scene	Unit Location	ABH	ABH
02/13/2013 01:33:26	Kaplan, Timothy D.	3A2	On Scene	Disposition Added	Alcohol Present	1019 1015 W/ONE
02/13/2013 01:33:26	Kaplan, Timothy D.	3A2	Available	Unit Cleared	Unit cleared from call	
02/13/2013 01:33:26	Kaplan, Timothy D.	3A2	Available	Unit Status Change		
02/13/2013 01:33:47	McClain, Tyrone J.	S31	On Scene	Unit Location	ABH	ABH
02/13/2013 01:36:37	McClain, Tyrone J.	4A3	On Scene	Unit Location	1019 WRITING	1019 WRITING
02/13/2013 01:49:23	McClain, Tyrone J.	S31	On Scene	Unit Location	1019 WRITING	1019 WRITING
02/13/2013 01:49:29	McClain, Tyrone J.	3A14	On Scene	Unit Location	1019 WRITING	1019 WRITING
02/13/2013 01:59:15	McClain, Tyrone J.	3A14	Available	Unit Cleared	Unit cleared from call	
02/13/2013 01:59:15	McClain, Tyrone J.	3A14	Available	Unit Status Change		
02/13/2013 02:08:09	McClain, Tyrone J.	4A9	Available	Unit Cleared	Unit cleared from call	



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:48

From CFS: 211 From Date: 02/12/2013 23:49 CFS Type: All
To CFS: 211 To Date: 02/12/2013 23:49 Agency Type:
Layer: All Areas: All

CFS Number: 211 Call Date/Time: 02/12/2013 23:49:41 Primary Incident: 2013-00008510

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
02/13/2013 02:28:18	Parker, Steven R.	ID1	Available	Unit Cleared	Unit cleared from call	
02/13/2013 02:28:18	Parker, Steven R.	ID1	Available	Unit Status Change		
02/13/2013 03:49:52	Kastmiller, Nikos	4A7	Available	Unit Status Change		
02/13/2013 03:49:52	Kastmiller, Nikos	4A7	Available	Unit Cleared	Unit cleared from call	
02/13/2013 03:49:52	Kastmiller, Nikos	4A7	On Scene	Disposition Added	Officer Assisted	GAIA APT BUILDING, 2116 ALLSTON WAY 514, Berkeley
02/13/2013 03:50:42	Smith, Brandon C.	4A5	Available	Unit Status Change		
02/13/2013 03:50:42	Smith, Brandon C.	4A5	Available	Unit Cleared	Unit cleared from call	
02/13/2013 03:50:42	Smith, Brandon C.	4A5	On Scene	Disposition Added	Officer Assisted	1019 JAIL
02/13/2013 04:11:41	McClain, Tyrone J.	S31	Available	Unit Cleared	Unit cleared from call	
02/13/2013 04:11:41	McClain, Tyrone J.	S31	Available	Unit Status Change		
02/13/2013 04:11:48	McClain, Tyrone J.	S17	Available	Unit Cleared	Unit cleared from call	
02/13/2013 04:11:48	McClain, Tyrone J.	S17	Available	Unit Status Change		
02/13/2013 04:38:57	Phillips, Amber	S17	Dispatched	Unit Status Change		2116 ALLSTON WAY 514, Berkeley
02/13/2013 04:41:57	default_nws	S17	Dispatched	Unit Timer Expired		2116 ALLSTON WAY 514, Berkeley
02/13/2013 04:45:39	Parker, Steven R.	3A16	Available	Unit Cleared	Unit cleared from call	
02/13/2013 04:45:39	Parker, Steven R.	3A16	Available	Unit Status Change		
02/13/2013 04:45:48	Parker, Steven R.	3A6	Available	Unit Cleared	Unit cleared from call	
02/13/2013 04:45:48	Parker, Steven R.	3A6	Available	Unit Status Change		
02/13/2013 04:46:01	Parker, Steven R.	S25	Available	Unit Cleared	Unit cleared from call	
02/13/2013 04:46:01	Parker, Steven R.	S25	Available	Unit Status Change		
02/13/2013 05:03:16	Tu, Kenneth	4A3	Available	Unit Status Change		
02/13/2013 05:03:16	Tu, Kenneth	4A3	Available	Unit Cleared	Unit cleared from call	
02/13/2013 05:03:16	Tu, Kenneth	4A3	On Scene	Disposition Added	Alcohol Present	1019 WRITING
02/13/2013 05:04:00	McClain, Tyrone J.	S17	On Scene	Unit Status Change		
02/13/2013 10:01:29	Larks, Rena	3A4	Available	Unit Cleared	Unit cleared from call	
02/13/2013 10:01:29	Larks, Rena	3A4	Available	Unit Status Change		



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:48

From CFS: 211 From Date: 02/12/2013 23:49 CFS Type: All
To CFS: 211 To Date: 02/12/2013 23:49 Agency Type:
Layer: All Areas: All

CFS Number: 211 Call Date/Time: 02/12/2013 23:49:41 Primary Incident: 2013-00008510

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
02/13/2013 10:01:41	Larks, Rena	S17	Available	Unit Status Change		
02/13/2013 10:01:41	Larks, Rena	S17	Available	Unit Cleared	Unit cleared from call	



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 13:12

From CFS: 261 From Date: 02/13/2013 08:05 CFS Type: All
To CFS: 261 To Date: 02/13/2013 08:05 Agency Type:
Layer: All Areas: All

CFS Number: 261 Call Date/Time: 02/13/2013 08:05:50 Primary Incident: 2013-00008536

Location: 2116 ALLSTON WAY 514 BERKELEY, CA 94710 , Berkeley
Additnl Loc Info:
Common Name: GAIA APT BUILDING
Phone:
Call Type: SEC Nature Of Call:
Status: IN PROGRESS Report Required: No
Police ORI: CA0010300 EMS ORI: 4
Dispatch Time: 02/13/2013 08:05:50
Arrive Time: 02/13/2013 08:05:50
Clear Date/Time: 02/13/2013 09:41:04
Created By: Larks, Rena
Canceled: No
Source: Officer Initiated
Fire ORI: 01015

Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
02/13/2013 08:05:59	Pierantoni, Casimiro	Dispatch received by unit 1A2
02/13/2013 08:11:46	Larks, Rena	10-88

Dispositions

Disposition	Disposition Count
M	1

Associated Areas

Area Type Code	Description
Quadrant	041
Station	Sta 2
Beat	4E
District	
Police ORI	CA0010300
EMS ORI	
Fire ORI	01015

Incident Number(s)

Incident Number	ORI Number	Primary Unit	Department Name	Agency Type
2013-00008536	CA0010300	Yes	Berkeley Police Department	Police

Unit(s)

Unit	Primary Unit	Radio Number	Personnel
S20	Yes	S20	00862 Rateaver
1A2	No	1A02	01887 Pierantoni



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 13:12

From CFS: 261
To CFS: 261
Layer: All

From Date: 02/13/2013 08:05
To Date: 02/13/2013 08:05
Areas: All

CFS Type: All
Agency Type:

CFS Number: 261 Call Date/Time: 02/13/2013 08:05:50 Primary Incident: 2013-00008536

Call Log

Log Date/Time	Entered By	Action	Description
02/13/2013 08:05:50	Larks, Rena	Call Created	New call created. Call Type: SEC, Location: , Phone Number: , Name:
02/13/2013 08:05:50	Larks, Rena	Incident Created	Added Incident Number, ORI: CA0010300, Number: 2013-00008536
02/13/2013 08:05:50	Larks, Rena	Unit Status Action	Unit S20 On Scene
02/13/2013 08:05:58	Larks, Rena	Unit Status Action	Unit 1A2 Dispatched
02/13/2013 08:05:59	Pierantoni, Casimiro	Narrative Added	Dispatch received by unit 1A2
02/13/2013 08:06:09	Larks, Rena	Location	Location: 2116 ALLSTON WAY, Venue: Berkeley
02/13/2013 08:06:12	Larks, Rena	Location	Location: 2116 ALLSTON WAY, Qualifier: 514, Venue: Berkeley
02/13/2013 08:06:21	Larks, Rena	Unit Status Action	Unit 1A2 Enroute
02/13/2013 08:09:58	Larks, Rena	Unit Status Action	Unit 1A2 On Scene
02/13/2013 08:11:46	Larks, Rena	Narrative Added	10-88
02/13/2013 09:31:16	Larks, Rena	Unit Status Action	Unit S20 cleared from call
02/13/2013 09:40:55	Larks, Rena	Unit Status Action	Unit 1A2 cleared from call
02/13/2013 09:41:04	Larks, Rena	Call Updated	Dispositions Changed
02/13/2013 09:41:04	Larks, Rena	Call Cleared	

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
02/13/2013 08:05:50	Larks, Rena	S20	Dispatched	Unit Status Change		2116 ALLSTON
02/13/2013 08:05:50	Larks, Rena	S20	On Scene	Unit Status Change		2116 ALLSTON
02/13/2013 08:05:58	Larks, Rena	1A2	Dispatched	Unit Status Change		2116 ALLSTON
02/13/2013 08:06:21	Larks, Rena	1A2	Enroute	Unit Status Change		
02/13/2013 08:09:58	Larks, Rena	1A2	On Scene	Unit Status Change		
02/13/2013 09:31:16	Larks, Rena	S20	Available	Unit Cleared	Unit cleared from call	
02/13/2013 09:31:16	Larks, Rena	S20	Available	Unit Status Change		
02/13/2013 09:40:55	Larks, Rena	1A2	Available	Unit Cleared	Unit cleared from call	
02/13/2013 09:40:55	Larks, Rena	1A2	Available	Unit Status Change		

**2100 Martin Luther King Jr. Way
Berkeley, CA 94704
(510) 981-5900**

CASE NO.

2013-00008510

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ASSOCIATED BPD CASE #/S)

2013-
2013-
2013-

☐ DVR

☐ GANG RELATED
☐ CONFIDENTIAL
REQUESTED
☐ BAWAR INFO.
PROVIDED
☐ VICT OF VIOLEN
CRIME NOTIFIED

[illegible]

DETAIL	BURGLARY DETAILS	
	POINT OF ENTRY:	METHOD:
<input type="checkbox"/> BATHROOM WINDOW	<input type="checkbox"/> PET DOOR	<input type="checkbox"/> BROKE SMASHED FORCED
<input type="checkbox"/> BEDROOM WINDOW	<input type="checkbox"/> REAR DOOR	<input type="checkbox"/> BYPASSED LOCK
<input type="checkbox"/> DINING ROOM WINDOW	<input type="checkbox"/> REAR WINDOW	<input type="checkbox"/> HID IN BUILDING
<input type="checkbox"/> DUCT VENT ROOF	<input type="checkbox"/> SLIDING GLASS DOOR	<input type="checkbox"/> LOCK PUNCH
<input type="checkbox"/> FLOOR	<input type="checkbox"/> VEHICLE DOOR - DRIVER FRONT	<input type="checkbox"/> NOT EVIDENT UNK.
<input type="checkbox"/> FRONT DOOR	<input type="checkbox"/> VEHICLE DOOR - DRIVER REAR	<input type="checkbox"/> PRY TOOL
<input type="checkbox"/> GARAGE	<input type="checkbox"/> VEHICLE DOOR - PASSENGER FRONT	<input type="checkbox"/> UNLOCKED OPEN
<input type="checkbox"/> GARAGE DOOR	<input type="checkbox"/> VEHICLE DOOR - PASSENGER REAR	
<input type="checkbox"/> KITCHEN WINDOW	<input type="checkbox"/> VEHICLE WINDOW	
<input type="checkbox"/> LIVING ROOM WINDOW	<input type="checkbox"/> WALL	

		AR - Arrested	IP - Involved Party	MP - Missing Party	OP - Other Party	SU - Suspect	VI - Victim	WI - Witness		
NO.	INVOLVMENT	NAME (LAST, FIRST, MIDDLE, SUFFIX)				DATE OF BIRTH	AGE	RACE/SEX	HAIR/EYES	HGT / WGT
1	SU	Moore, Xavier, Christopher				4/17/1971	41	B / M	BRO / BRO	5'8 / 340
2	RP	Hayes, John, Andre				11/23/1972	40	B / M	BLK / BRO	5'4 / 155
3	WI									
4								/	/	/
5								/	/	/
6								/	/	/

UNIDENTIFIED SUBJECTS	

NO.	LICENSE NUMBER	YEAR	MAKE	MODEL	STYLE	COLOR(S)
VICT VEH 1	/					/
DESCRIPTION						
VICT VEH 2	/					/
DESCRIPTION						
VICT VEH 3	/					/
DESCRIPTION						
NO.	LICENSE NUMBER	YEAR	MAKE	MODEL	STYLE	COLOR(S)
SUSP VEH 1	/					/
DESCRIPTION						
SUSP VEH 2	/					/
DESCRIPTION						

REPORTING OFFICER
Brown, Gwendolyn

DATE/TIME WRITTEN 02/13/2013 02:11:59

CRIME SCENE PERSONNEL

PRIMARY OFFENSE / OCCURRED INCIDENT DISTURBANCE		BERKELEY POLICE DEPARTMENT INVOLVED SUBJECTS 1 - 6		CASE NO. 2013-00008510		PAGE 2 OF 5	
REPORTING OFFICER Brown, Gwendolyn						DATE / TIME WRITTEN 02/13/2013 02:11:59	

1	INVOLVMENT SUSPECT OFFENDER		LAST NAME, FIRST NAME MIDDLE Moore, Xavier Christopher						DOB 4/17/1971		AGE 41	
	RACE B	SEX M	HEIGHT 5'8	WEIGHT 340	HAIR BRO	EYES BRO	DRIVERS LIC [REDACTED]	STATE CA	PFN	PRIMARY LANGUAGE		
	RESIDENCE ADDRESS 2116 Allston WAY 514, BERKELEY, CA 94710-									PRIMARY PHONE		
	ALIAS / MONIKER							E-MAIL ADDRESS		OTHER PHONE		
	EMPLOYER / SCHOOL TYPE			EMPLOYER / SCHOOL NAME						OCCUPATION		
	EMPLOYER / SCHOOL ADDRESS									BUSINESS PHONE		
2	INVOLVMENT REPORTING PARTY		LAST NAME, FIRST NAME MIDDLE Hayes, John Andre						DOB 11/23/1972		AGE 40	
	RACE B	SEX M	HEIGHT 5'4	WEIGHT 155	HAIR BLK	EYES BRO	DRIVERS LIC [REDACTED]	STATE CA	PFN	PRIMARY LANGUAGE		
	RESIDENCE ADDRESS 2116 Allston WAY 514, BERKELEY, CA 94710-									PRIMARY PHONE		
	ALIAS / MONIKER							E-MAIL ADDRESS		OTHER PHONE		
	EMPLOYER / SCHOOL TYPE			EMPLOYER / SCHOOL NAME						OCCUPATION		
	EMPLOYER / SCHOOL ADDRESS									BUSINESS PHONE		
3	INVOLVMENT WITNESS		[REDACTED]						DOB		AGE	
	RACE B	SEX M	HEIGHT 6'2	[REDACTED]								
	RESIDENCE ADDRESS 601 Hayes ST San Francisco, CA									PRIMARY PHONE		
	ALIAS / MONIKER							E-MAIL ADDRESS		OTHER PHONE		
	EMPLOYER / SCHOOL TYPE			EMPLOYER / SCHOOL NAME						OCCUPATION		
	EMPLOYER / SCHOOL ADDRESS									BUSINESS PHONE		
4	INVOLVMENT		LAST NAME, FIRST NAME MIDDLE						DOB		AGE	
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYES	DRIVERS LIC	STATE	PFN	PRIMARY LANGUAGE		
	RESIDENCE ADDRESS									PRIMARY PHONE		
	ALIAS / MONIKER							E-MAIL ADDRESS		OTHER PHONE		
	EMPLOYER / SCHOOL TYPE			EMPLOYER / SCHOOL NAME						OCCUPATION		
	EMPLOYER / SCHOOL ADDRESS									BUSINESS PHONE		
5	INVOLVMENT		LAST NAME, FIRST NAME MIDDLE						DOB		AGE	
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYES	DRIVERS LIC	STATE	PFN	PRIMARY LANGUAGE		
	RESIDENCE ADDRESS									PRIMARY PHONE		
	ALIAS / MONIKER							E-MAIL ADDRESS		OTHER PHONE		
	EMPLOYER / SCHOOL TYPE			EMPLOYER / SCHOOL NAME						OCCUPATION		
	EMPLOYER / SCHOOL ADDRESS									BUSINESS PHONE		
6	INVOLVMENT		LAST NAME, FIRST NAME MIDDLE						DOB		AGE	
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYES	DRIVERS LIC	STATE	PFN	PRIMARY LANGUAGE		
	RESIDENCE ADDRESS									PRIMARY PHONE		
	ALIAS / MONIKER							E-MAIL ADDRESS		OTHER PHONE		
	EMPLOYER / SCHOOL TYPE			EMPLOYER / SCHOOL NAME						OCCUPATION		
	EMPLOYER / SCHOOL ADDRESS									BUSINESS PHONE		



BERKELEY POLICE DEPARTMENT

POLICE REPORT

2100 Martin Luther King Jr. Way
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CASE NARRATIVE

CASE NO.

2013-00008510

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PRIMARY OFFENSE / OCCURRED INCIDENT

DISTURBANCE

REPORTING OFFICER

Brown, Gwendolyn

DATE / TIME WRITTEN

02/13/2013 02:11:59

Summary:

RP Hayes called BPD to report he and roommate Moore had a verbal dispute. Hayes said Moore was schizophrenic, off his meds, and had kicked him out of the apartment. Hayes also reported that Moore possibly needed to be 5150ed. Officers Tu, Smith, and myself contacted Moore in the doorway of his apartment. After interviewing him and being told that he had a \$10,000 dollar warrant. The decision was made to physically detain Moore for a 5150 evaluation and a possible warrant arrest. Moore resisted being handcuffed. A struggle ensued. Moore subsequently stopped breathing. BFD transported him to Alta Bates Hospital. Moore was pronounced dead at 0134 hours.

Scene:

The Gaia Building is located at 2116 Allston Way. This is multi-level, multi-apartment building. Apartment #514 is a one bedroom, located on the fifth floor, on the north side of the building. Upon entering, there is a bathroom to south. Straight ahead (west) is the living room. In the living room, on the north wall was a large standing lamp. Just west of it, on the floor, was a twin size mattress. South of the mattress was a chair. The kitchen is southwest of the living room. West of the kitchen, is the bedroom. The struggle started outside the front door and ended on the mattress, in the living room. The apartment was in disarray prior to BPD officers arrival. Suspect Moore was dressed in a animal print strapless, tube type top, and a animal print wrap around skirt. He was wearing no underwear. During the struggle Moore's skirt ended up around his ankles, and he was primarily nude. I saw no visible injuries on Moore. While BFD was rendering aid to Moore, BFD moved the mattress and bedding into the bathroom.

Statements:

RP Hayes said he and Moore are roommates and have known each other for 15 or more years. He went on to say that Moore has uses crack cocaine and meth on a regular basis since knowing him. Additionally, Moore drinks alcohol almost every day, to get drunk.

Hayes said today he arrived home around 5 or 6 pm. Moore was high on speed and had been drinking. He asked for money to purchase more drugs and alcohol. Hayes refused. The two argued and Moore told him to get out. Fearing for his safety, Hayes left the apartment and called BPD. (See attached statement)

Witness [REDACTED], Moore's caregiver, said between 10:30 and 11:00 pm he and Hayes arrived at Moore's apartment. Moore's girlfriend, only known as "Angel" was there. He ([REDACTED]) started preparing food for Moore. During that time he observed Moore's demeanor and described it as being agitated and upset. [REDACTED] said Moore was pacing the floor, smoking weed, and drinking alcohol. [REDACTED] said he asked Hayes if Moore been taking his prescribed medication for schizophrenia. Hayes told him that Moore had not taken his meds for awhile.

[REDACTED] said Moore continued talking but was making no sense. [REDACTED] said Moore wanted more drugs and started arguing with Angel about meth. Moore told Angel to get out and threw a chair at

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BERKELEY POLICE DEPARTMENT

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PRIMARY OFFENSE / OCCURRED INCIDENT
DISTURBANCE

CASE NARRATIVE CONTINUATION

REPORTING OFFICER

Brown, Gwendolyn

DATE / TIME WRITTEN

02/13/2013 02:11:59

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her. [REDACTED] said Moore was angry because he thought Angel had drugs and was holding out on him. Angel left and Moore started arguing with Hayes. At the same time, Moore was also talking to him. [REDACTED] said Moore was out of breath and having difficulty breathing. He was attempted to calm him down then BPD arrived.

[REDACTED] said he remained inside the apartment while BPD talked to Moore who was standing in the doorway. He said Moore was "telling the officers jibberish about the government and not feeling safe. [REDACTED] said he could not understand Moore because he wasn't making any sense. He also said he had never seen Moore act like that or talk like that before, so he knew something was seriously wrong with Moore.

[REDACTED] said Moore and the officers suddenly started scuffling outside the apartment. He said Moore was not cooperating with the police at all. He said he heard the police telling Moore to "stop resisting," but he wouldn't. "He kept resisting and speaking jibberish." [REDACTED] said he was asked to wait outside. He left the apartment, quickly because he was afraid Moore was going to freak out and attack him. [REDACTED] said Moore was "running away from the officers like a raging bull" and he had to get out of the way to avoid getting trampled. [REDACTED] closed by saying that he has known Moore for about 23 years and knew that Moore used crack cocaine. He thought Moore recently stopped using cocaine and substituted it with meth, weed, and alcohol, that he uses regularly. (See attached statement)

Investigative Narrative:

On 2-12-13, Officer Smith and I were dispatched to 2116 Allston Way #514 for a PC 415 call. Officer Tu #38 attached himself to the call. Officer Tu and I were the first to arrive on the scene. We attempted to gain entry into the secured building but were initially unsuccessful. I had the dispatcher contact RP Hayes to let us in. Shortly there after, Hayes walked up and said he had called. Hayes went on to say his roommate Moore was schizophrenic, off his meds, and had kicked him out of the apartment because he would not give him money to purchase drugs and alcohol. Hayes said he left the apartment because he thought Moore was going to attack him and that he feared for his safety. At that time, Officer Smith arrived. He asked me if the suspect's name was Xavier Moore. I responded "Yes." Smith then said Moore had a \$10,000 dollar want out of San Francisco. I told him Moore recently relocated to Berkeley from San Francisco.

Officer Tu, Officer Smith, Hayes and I went upstairs to apartment 514. Hayes unlocked and opened the door. I directed him to step away. I called out to Moore from the doorstep. Moore came to the door and I questioned him as to what was going on with him and roommate Hayes. Moore was unable to answer my questions. He appeared to have difficulty focusing. Moore became increasingly angry and kept rambling something like the FBI was following him and that we were not real police officers. Moore's behavior suddenly changed. He started acting as if he knew me personally. He called by the names, Michelle, Carol, and Wanda. When I would tell him that I was not either of those people. His response was, "Oh I see them behind you." Moore was making statements about dinosaurs and people, that did not make any sense.

While talking to Moore, Officer Smith did a computer check on Hayes. He advised me that Hayes



BERKELEY POLICE DEPARTMENT

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CASE NARRATIVE CONTINUATION

CASE NO.

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PRIMARY OFFENSE / OCCURRED INCIDENT

DISTURBANCE

REPORTING OFFICER

Brown, Gwendolyn

DATE / TIME WRITTEN

02/13/2013 02:11:59

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had a outstanding warrant. I had him confirm it. I arrested Hayes on warrant and directed Officer Smith to transport him to the BPD jail. I then made the decision to physically restrain Moore for a 5150 evaluation and the \$10,000 dollar warrant that I thought Officer Smith had confirmed. I informed Moore that he had a warrant and that he would be going to the police department. Moore became very angry and said he was not going. He then said he was going inside to call the FBI to clear up the matter. I told him he could make the call from the station. He continued saying he would call the FBI from his apartment. I told Moore that he needed to come with us. He flat out refused. He was unresponsive to my verbal commands.

Moore's behavior became increasingly aggressive. I signaled to Officer Tu to go hands on and assist me in placing Moore in handcuffs. Officer Tu grabbed Moore's left wrist. I simultaneously grabbed Moore's right wrist, in an attempt to apply a control hold and put the handcuffs on. Moore immediately started yelling, "No, No!" He attempted to pulled away. Officer Tu and I maintained our grasps. Moore continued to violently pull away. While doing so, he pulled Officer Tu and me into his apartment. We all fell on a mattress that was on the floor, against the east wall. During our struggle to handcuff Moore, I called for additional officers/Code 3 Cover. At the same time, I noticed a BMA, later identified as witness Sterling, in the apartment. For officer safety reasons, I ordered him out of the apartment. Officer Tu and I continued struggling to restrain Moore who was violently resisting. I ordered him to stop. There was no compliance. Officer Tu and I managed to get one hand cuffed. Moore had the other hand under his body and he was laying on his stomach. BPD officers Mathis #80, Gardner #121, and Castmiller #104, arrived and helped us cuff the other wrist. Due to Moore's large size, two sets of cuffs were used.

Moore continued to violently resists. A request for the wrap restraint device was made. It arrived, but was to small. Officers were able to use the ankle strap to secure Moore's ankles. Moore continued to violently resist, a request for BFD restraints was made. Moore continued to resist for a brief time before he yelled, "Ok, Ok!" He appeared to be calming down. He suddenly stopped resisting. I looked at his chest and saw no movement. We rolled him on his side. I saw that he was breathing, he had a pulse and he moved his head. Approximately one minute later Moore's chest stopped moving. I checked for a pulse. Moore was no longer breathing and he had no pulse. BFD was requested Code 3. We immediately removed the handcuffs, laid him on his back and began CPR and was relieved by BFD. BFD Engine 5/Medic 1 transported Moore to Alta Bates hospital. Dr Benjamin Bonnes pronounced time of death at 0134 hours. ID Tech Jamison # 452 processed the scene.

Officers Tu, Smith, Gardner, and Mathis supplemental reports are attached. RP Hayes and Witness [REDACTED]'s statements are attached.



BERKELEY POLICE DEPARTMENT

POLICE REPORT SUPPLEMENTAL

2100 Martin Luther King Jr. Way
Berkeley, CA 94704
(510) 981-5900

CASE NO.

2013-00008510

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REPORTING OFFICER

Phillips, Amber

DATE / TIME WRITTEN

02/13/2013 04:34:39

On 02/13/13 at about 0030hrs, I responded to 2216 Allston Way apartment # 514, because officers were requesting "Code 3 cover." I arrived on scene with Sgt Cardoza # S-31 at about 0033 hrs, and we both entered apartment #514 together. When I entered the apartment, I saw Ofc Tu #38, Ofc Brown #16, Ofc Gardner #121 and Ofc Mathis #80, attempting to restrain an individual on a mattress on the floor of the living room area. The person they were restraining, who was later identified as Moore, was lying on his stomach with his hands cuffed behind his back. Moore was violently kicking at officers, particularly Ofc Mathis, who was attempting to gain control of his feet. Sgt Cardoza deployed the WRAP restraint device and I provide the ankle strap to Ofc Mathis, who secured Moore's ankles. Officers did not attempt to place the leg and chest pieces of the WRAP restraint device on Moore, due to his large size (approximately 350+lbs). At about 0034hrs, I contacted BPD Dispatch via radio and requested that BFD respond to our location with a gurney. I requested the gurney because it was apparent that officers would be unable to move or lift Moore due to his large size, especially since his apartment was on the fifth floor. Once Moore calmed down, officers rolled him on left side and Ofc Brown confirmed he was breathing and had a pulse. Although Moore was breathing, it appeared he was having difficulty. I advised BPD Dispatch that we would also need BFD paramedics because Brown was having difficulty breathing.

At around to 0041hrs, Ofc Brown noticed that Moore was no longer breathing and did not have a pulse. At this time, I advised BPD Dispatch that Moore was not breathing and officers would be starting CPR. Officers immediately removed the handcuffs from Moore and placed him on his back. Ofc Tu gave Moore chest compressions until BFD arrived on scene and took over. Once Moore was transported to Alta Bates Hospital by BFD, I assisted Sgt Cardoza in managing the scene and did the following:

Sgt Cardoza and I directed Ofc Tu to follow BFD to Alta Bates Hospital to get an update on Moore's condition.

I directed Ofc McIntosh to conduct a canvass of the fifth floor or 2116 Allston Way to determine if any neighbors had contact Moore prior to our arrival.

I directed Ofc Kastmiller to take a written statement from [REDACTED].

I contacted Ofc Smith via phone while he was in the BPD jail and directed him to take a written statement from Hayes.

At about 0204hrs, Sgt Cardoza took over the scene as the Scene Supervisor and I was released from the scene.

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BERKELEY POLICE DEPARTMENT

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REPORTING OFFICER

Smith, Brandon

DATE / TIME WRITTEN

2/12/2013 23:49

CASE SUPPLEMENTAL:

On 2-12-13 at approx 2354hrs I was dispatched to 2116 Allston Way Apt 514 as a cover officer to a report of 5150 off their medication. I arrived on scene and met with Ofc Brown #16 and Ofc Tu #38 IFO the address. The RP (Hayes) walked up to us and let us in to the apartment complex. Hayes said that his roommate (Moore) had kicked him out and needed to be 5150'd.

I went upstairs with Ofc Brown, Ofc Tu and Hayes. Hayes unlocked the apartment front door and Ofc Brown called out to Moore. Moore came to the door and stepped out onto the landing and appeared very agitated and angry. Ofc Brown began speaking with Moore and after Ofc Brown verbally identified him I conducted a records check of Moore and Hayes with Telecom. During this time Moore grew increasingly agitated and had difficulty staying on topic. Moore was at times incoherent and rambled on about the FBI watching him.

Hayes was found to have a \$5,000 warrant out of San Francisco. I told Hayes about his warrant and that he was going to be arrested. Hayes was cooperative and I walked him downstairs. I placed Hayes in handcuffs and began to search him incident to arrest when over the police radio I heard Ofc Brown request code 3 cover. I placed Hayes in the back seat of my patrol car and ran back upstairs to apartment 514.

Moore was on the bed on his stomach resisting Ofc Tu and Ofc Brown. Ofc Tu had Moore's right wrist in a handcuff and Ofc Brown was trying to gain control of Moore's left wrist. I helped Ofc Brown get Moore's left arm behind his back so that he could be placed in handcuffs. During the incident Moore continued to struggle and pull his arm away from us.

As soon as Moore was placed into handcuffs other officers arrived and I went back downstairs to ensure that Hayes was still in the back of my vehicle and ok. I removed Hayes and searched him removing all of his property from his person and placed it into a paper bag. Ofc Kaplan transported Hayes to the Berkeley Jail and booked him for his warrants.

I contacted Hayes in the Berkeley Jail and obtained a signed written statement from him.

Hayes said in summary that he lives with Moore at 2116 Allston Way #514 and that they have known each other for about 15 or more years. He said that Xavier has used many drugs on a regular basis since he has known him and that he mostly uses crack and methamphetamine as well as drinks alcohol daily to get drunk. He said that on 2-12-13 when he returned home around 5-6pm that Moore was high on methamphetamine and was drunk. He said that when Moore is high and drunk he is mean and wants to fight. He said that Moore asked him for money to buy more alcohol and he told Moore no. Hayes said that Moore became very angry and wouldn't leave him alone. They were arguing and Hayes said that because he has a temper he decided to try and ignore Moore. Moore then told him to just leave. Hayes said that he then called the police who took him to the apartment where they spoke with Moore. He said that Moore was acting "ziggity boom like a mother fucker". When asked what that meant Hayes said that "he was acting like he does when he's really high and drunk." Hayes said that Moore had threatened him earlier and thought that Moore would attack him and that is why he left. He said that Moore had a history

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REPORTING OFFICER
Smith, Brandon

DATE / TIME WRITTEN
2/12/2013 23:49

of violence and he had stabbed someone in San Francisco a few years prior. See Hayes signed written statement for further.

Nothing further to report.

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REPORTING OFFICER

Kastmiller, Nikos

DATE / TIME WRITTEN

2/12/2013 23:49

SUPPLEMENTAL REPORT:

On 2/13/13 at approximately 0030 hours I heard Ofc. Brown say over the radio to "send emergency cover". I responded to 2116 Allston WAY #514 to assist.

I arrived on scene and entered the apartment. I observed a very large male, later identified as Moore, laying face down on top of a mattress with Officers struggling to control him. Ofc. Tu #38, Ofc. Brown #16, and Ofc. B. Smith #3 were controlling Moore's arms and legs as he struggled to break free from their control. Moore was handcuffed and I assisted in controlling Moore's arms and preventing him from getting up. I remained with Moore while waiting for BPD Officers to bring a WRAP device for Moore. While we were deploying the WRAP Moore stopped struggling. We rolled Moore on to his left side. About a minute later, Ofc. Brown stated that Moore had stopped breathing. We checked for a pulse and noticed that he no longer had a pulse. When we discovered this we immediately removed Moore's handcuffs and laid him flat on his back. We began doing CPR on Moore until BFD arrived on scene and began emergency treatment.

I remained on scene and contacted [REDACTED] [REDACTED] was inside the apartment with BPD Officers and Moore during the initial incident. [REDACTED] provided a written statement about the incident.

(SEE ATTACHED WRITTEN STATEMENT)

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BERKELEY POLICE DEPARTMENT
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REPORTING OFFICER

Tu, Kenneth

DATE / TIME WRITTEN

2/12/2013 23:49

SUPPLEMENTAL INVESTIGATION:

On 2/12/13 at approximately 2357 hours, I responded to assist with a report of a disturbance between roommates at 2116 Allston Way, the Gaia Apartment Building. I arrived on scene with BPD Officers Brown #16 and Smith #3. We contacted the reporting party, Hayes, in front of the building. Hayes reported that his roommate, Moore, was schizophrenic and off of his medications, and had kicked him out of the apartment. Hayes stated that Moore needed to be placed on a WI 5150 hold.

Hayes took us up to his residence, apartment #514. Hayes opened the front door with his key, and Officer Brown called into the apartment from the doorstep.

Moore came to the front door, and Officer Brown initiated conversation with him. I stood by as a cover officer to keep Hayes separated from Moore. During the contact, Moore became increasingly agitated, and made numerous paranoid, rambling statements. Moore repeatedly stated that he was being followed by the FBI, and that he did not believe that we were real police officers.

During the investigation, Officer Brown placed Hayes under arrest for an active warrant, and directed Officer Smith to transport him from the scene. Officer Smith placed Hayes in handcuffs, and then escorted him downstairs to his patrol vehicle. I remained on scene with Officer Brown.

Officer Brown asked Moore to come outside to speak to her. Moore agreed, and stepped outside of the apartment onto the exterior walkway. Officer Brown then informed Moore that he was being detained for a warrant. Moore became extremely upset and was unresponsive to her verbal commands. Officer Brown then signaled me to attempt to detain Moore in handcuffs, so I grabbed him by the left wrist with both of my hands. Moore immediately began screaming and violently pulling away, and then ran back into the apartment, pulling Officer Brown and I in with him as we tried to detain him.

A person later identified as [REDACTED] was inside of the apartment's living room at the time, and for the safety of all parties present, Officer Brown directed him to leave the apartment. [REDACTED] complied and went outside.

Moore was able to pull himself out of my grasp, and fell on his left side onto the mattress in the living room. He then began kicking me as I attempted to place his right arm in a control hold. I sprawled onto his hip in an attempt to prevent him from further kicking me, and gained control of his right arm by placing it in a rear wrist lock. Moore rolled onto his stomach with his left arm under his body, preventing us from controlling that arm.

Officer Brown requested Code-3 cover, and several other BPD units responded to assist. Moore continued to violently resist by trying to buck me off of him, kicking me, and trying to pull his right arm away from me. After struggling for several minutes, we were able to gain control of Moore's left arm and place him in handcuffs. Due to his size, we secured his arms behind his back with two sets of handcuffs.

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REPORTING OFFICER

Mathis, Brian

DATE / TIME WRITTEN

2/12/2013 23:49

Case Supplemental:

On 2-13-13 at aprox. 0030 hrs I heard Ofc Brown #16 broadcast a request for additional units to 2116 Allston #514. I responded code three to the scene. Upon entering the apartment I observed Ofc Brown, Ofc Tu #38 and Ofc Smith #3 struggling to control a very large person on the apartment floor. I grabbed both of the subjects ankles in an attempt to control the legs because the subject was kicking at the officers. I crossed his ankles, trying to hold them down, but got kicked off. I re-acquired my grip and was able to stop the subject from kicking. I was given the ankle restraint strap from The Wrap and applied it to the subjects ankle with assistance from another officer.

I left the apartment to return to my patrol vehicle to retrieve spit hoods and escort BFD upon their arrival. I heard a broadcast that CPR was being preformed in the apartment prior to BFD's arrival on scene. I accompanied BFD back upstairs to #514.

I was assigned by Sgt Cardoza #S-31 to attempt contact with residence of the surrounding apartments.

At # [REDACTED] which is next door to the west of #514, I got no answer.

At # [REDACTED] I contacted roommates [REDACTED] and [REDACTED]. They both told me that they had been watching television when they heard three very loud thumps on the wall from #514 sometime around 2300 hrs. The thumps were loud enough to startle [REDACTED], but they heard nothing else over their TV until the police arrived sometime just after 2400 hrs. [REDACTED] also told me that, "She (Xavier Moore) has knocked on our door a couple times and offered me recreational drugs."

At # [REDACTED] the residents there told me that they had not heard anything "until all the police arrived."

I stood by as ID Tech Jamison #452 took photos in #514. When she was finished I locked the door and returned the keys to the BPD jail.

Case Disposition:

As set

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REPORTING OFFICER

Gardner, Tim

DATE / TIME WRITTEN

2/12/2013 23:49

SUMMARY:

On the listed date, just after TOR, I heard a broadcast of additional units needed for a call at 2116 Allston way, #514. It was apparent from the broadcast that BPD officers were involved in a struggle with a violent subject. I responded Code Three and when I reached the apartment, I saw several BPD officers struggling to take an extremely large and violently resisting partially naked person into custody. The person appeared to be approximately four hundred pounds and it took several officers combined efforts to control his hands. Along with several other officers who arrived with me, we finally managed to place him into handcuffs and called for BFD to respond to assist with transporting him. After we had successfully placed him in handcuffs, it appeared he had suddenly stopped breathing. I assisted with immediately uncuffing him while other officers requested emergency medical assistance and began chest compressions. BFD arrived shortly thereafter and began efforts to revive the person.

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OFFENSES

NO.	SECTION - TYPE	ATTEMPT / COMMIT	COUNTS	MO FACTORS	
1				<input type="checkbox"/> ACCELERANT USED OPEN FLAME <input type="checkbox"/> ALARM DISABLED <input type="checkbox"/> APPROACHED FROM FRONT <input type="checkbox"/> APPROACHED FROM REAR <input type="checkbox"/> ASKED FOR CHANGE <input type="checkbox"/> SOUND GAGGED HANDCUFFED <input type="checkbox"/> CAR MOVED ABANDONED NEARBY <input type="checkbox"/> CLOSING OPENING TIME <input type="checkbox"/> DECEITFUL <input type="checkbox"/> DEMAND NOTE USED <input type="checkbox"/> DISGUISED BY SUSPECT <input type="checkbox"/> DOOR KICK <input type="checkbox"/> DRUG MP OFF <input type="checkbox"/> EMACULATED <input type="checkbox"/> FIRED WEAPON <input type="checkbox"/> FOLLOWING STALKER VICTIM <input type="checkbox"/> FORCED TO COVER FACE <input type="checkbox"/> FORCED TO DISROBE <input type="checkbox"/> FORCED TO FONDLE SUSPECT <input type="checkbox"/> FORCED TO REAR OF STORE <input type="checkbox"/> FORCED VICTIM TO GROUND <input type="checkbox"/> GLASS OR PANEL REMOVED <input type="checkbox"/> GLOVES WORN <input type="checkbox"/> HATE MOTIVATED <input type="checkbox"/> HOTWIRE <input type="checkbox"/> IGNITION PUNCH	<input type="checkbox"/> IMPERSONATE POLICE LAW <input type="checkbox"/> INTERNAL THEFT <input type="checkbox"/> INTERRUPTED BURGLARY <input type="checkbox"/> LOCK CHIEF <input type="checkbox"/> LOCK PUNCH <input type="checkbox"/> LOCK PRY <input type="checkbox"/> LONE CLERK <input type="checkbox"/> MADE URGENT DEMANDS <input type="checkbox"/> MASK WORN FACE HIDDEN <input type="checkbox"/> MASTURBATED <input type="checkbox"/> OPEN LOCKED WINDOW DOOR <input type="checkbox"/> ORALLY COPULATED <input type="checkbox"/> OTHER SEX ACTS <input type="checkbox"/> PHONE DISABLED <input type="checkbox"/> POWER DISABLED <input type="checkbox"/> PRY WINDOW DOOR <input type="checkbox"/> PURSE SNATCH GONE BAD <input type="checkbox"/> RAPED <input type="checkbox"/> RAPED WITH FOREIGN OBJECT <input type="checkbox"/> ROBBED NEAR ATM <input type="checkbox"/> SECURITY CAMERA REMOVED <input type="checkbox"/> SHAVED KEY <input type="checkbox"/> SHOPLIFT GONE BAD <input type="checkbox"/> SKIDMARKS <input type="checkbox"/> STEERING COLUMN PRY <input type="checkbox"/> STRUCK VICTIM WITH A WEAPON <input type="checkbox"/> STRUCK VICTIM WITH HANDS FEET <input type="checkbox"/> TAKEOVER
2					<input type="checkbox"/> TELL TAP <input type="checkbox"/> TORTURED <input type="checkbox"/> USED A LOOKOUT <input type="checkbox"/> USED CHEN AGENT PEPPER SPRAY <input type="checkbox"/> VICTIM CLOTHES CUT RIPPED <input type="checkbox"/> WEAPON USED <input type="checkbox"/> WINDOW SMASH BURGLARY
3					
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DETAILS

BURGLARY DETAILS			
POINT OF ENTRY:	METHOD:	POINT OF EXIT:	METHOD:
<input type="checkbox"/> BATHROOM WINDOW <input type="checkbox"/> BEDROOM WINDOW <input type="checkbox"/> DINING ROOM WINDOW <input type="checkbox"/> DUCT VENT ROOF <input type="checkbox"/> FLOOR <input type="checkbox"/> FRONT DOOR <input type="checkbox"/> GARAGE <input type="checkbox"/> GARAGE DOOR <input type="checkbox"/> KITCHEN WINDOW <input type="checkbox"/> LIVING ROOM WINDOW	<input type="checkbox"/> PET DOOR <input type="checkbox"/> REAR DOOR <input type="checkbox"/> REAR WINDOW <input type="checkbox"/> SLIDING GLASS DOOR <input type="checkbox"/> VEHICLE DOOR - DRIVER FRONT <input type="checkbox"/> VEHICLE DOOR - DRIVER REAR <input type="checkbox"/> VEHICLE DOOR - PASSENGER FRONT <input type="checkbox"/> VEHICLE DOOR - PASSENGER REAR <input type="checkbox"/> WALL <input type="checkbox"/> BROKE SMASHED FORCED <input type="checkbox"/> BYPASSED LOCK <input type="checkbox"/> HID IN BUILDING <input type="checkbox"/> LOCK PUNCH <input type="checkbox"/> NOT EVIDENT UNK. <input type="checkbox"/> PRY TOOL <input type="checkbox"/> UNLOCKED OPEN	<input type="checkbox"/> BATHROOM WINDOW <input type="checkbox"/> BEDROOM WINDOW <input type="checkbox"/> DINING ROOM WINDOW <input type="checkbox"/> DUCT VENT ROOF <input type="checkbox"/> FLOOR <input type="checkbox"/> FRONT DOOR <input type="checkbox"/> GARAGE <input type="checkbox"/> GARAGE DOOR <input type="checkbox"/> KITCHEN WINDOW <input type="checkbox"/> LIVING ROOM WINDOW	<input type="checkbox"/> PET DOOR <input type="checkbox"/> REAR DOOR <input type="checkbox"/> REAR WINDOW <input type="checkbox"/> SLIDING GLASS DOOR <input type="checkbox"/> VEHICLE DOOR - DRIVER FRONT <input type="checkbox"/> VEHICLE DOOR - DRIVER REAR <input type="checkbox"/> VEHICLE DOOR - PASSENGER FRONT <input type="checkbox"/> VEHICLE DOOR - PASSENGER REAR <input type="checkbox"/> WALL <input type="checkbox"/> BROKE SMASHED FORCED <input type="checkbox"/> BYPASSED LOCK <input type="checkbox"/> HID IN BUILDING <input type="checkbox"/> LOCK PUNCH <input type="checkbox"/> NOT EVIDENT UNK. <input type="checkbox"/> PRY TOOL <input type="checkbox"/> UNLOCKED OPEN

SUBJECTS

AR - Arrested IP - Involved Party MP - Missing Party OP - Other Party SU - Suspect VI - Victim WI - Witness									
NO.	INVOLVEMENT	NAME (LAST, FIRST, MIDDLE, SUFFIX)	DATE OF BIRTH	AGE	RACE/SEX	HAIR/EYES	HGT	WGT	
1									
2									
3									
4									
5									
6									
UNIDENTIFIED SUBJECTS									

VEHICLES

NO.	LICENSE NUMBER	YEAR	MAKE	MODEL	STYLE	COLOR(S)
VICT VEH 1	/					/
DESCRIPTION						
VICT VEH 2	/					/
DESCRIPTION						
VICT VEH 3	/					/
DESCRIPTION						
SUSP VEH 1	/					/
DESCRIPTION						
SUSP VEH 2	/					/
DESCRIPTION						

REPORTING OFFICER
Jamison, Catherine

DATE / TIME WRITTEN
02/18/2013 23:40

CRIME SCENE PERSONNEL

**BERKELEY POLICE DEPARTMENT
PROPERTY CONTROL**

CASE NO.

2013-00008510

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REPORTING OFFICER

Jamison, Catherine

DATE / TIME WRITTEN

02/18/2013 23:40

CODE: S-STOLEN F-FOUND S/R-STOLEN/RECOVERED K-SAFEKEEPING E-EVIDENCE

1	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	85 EACH	Digital Photos			
DESCRIPTION						
2	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						
3	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
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4	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
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5	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						
6	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						
7	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
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8	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
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9	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
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11	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
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12	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
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13	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						
14	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						
15	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						
16	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						

FIREARMS

1	MAKE	MODEL	SERIAL #	FINISH	VALUE
	DESCRIPTION				
2	MAKE	MODEL	SERIAL #	FINISH	VALUE
	DESCRIPTION				
3	MAKE	MODEL	SERIAL #	FINISH	VALUE
	DESCRIPTION				



BERKELEY POLICE DEPARTMENT
POLICE REPORT
SUPPLEMENTAL

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REPORTING OFFICER

Jamison, Catherine

DATE / TIME WRITTEN

02/18/2013 23:40

Case Number: 2013-08510		
Type of Call: 415		
Victim:		
Date: 02- 13- 13	Officer at Scene: S-25 & S-31	Weather:
Location: 2116 Allston Way # 514	Time Arrived: 0105 hrs	Time Completed: 0142 hrs
Camera: Nikon D80 & Nikon D90		Number of Photos: 85
Video Camera: Sony DCR-SR82 HDD video camera		
Latent Prints:	Elimination Prints:	GSR:
Evidence:	DNA/Swab:	Buccal:
Other:		

At approximately 0105 hrs I arrived at the above listed location, upon arrival I had a Nikon D90 digital camera in my possession. I spoke to Sergeant Ross # S-25 who was standing outside in front of 2116 Allston Way. Sergeant Ross advised me of the case, I informed Sergeant Ross that I was going to return to the Berkeley Police Department Crime Scene Unit Van to retrieve the Video Camera. The Crime Scene Unit Van was parked on Allston Way east of Shattuck Ave. After retrieving the Video camera I went upstairs to unit # 514 where I arrived at approximately 0110 hrs.

Upon arrival to unit # 514 I spoke to Sergeant Cardoza # S-31, Sergeant Cardoza advised me of the case and requested digital photos only of the interior of the above listed residence. Sergeant Cardoza directed my attention to the location of the mattress on the floor in the bathroom, various medications and a syringe. Sergeant Cardoza requested that I document the location of the mattress inside the bathroom, medications and the syringe. I returned to the Berkeley Police Department Crime Scene Unit Van which was still parked on Allston Way east of Shattuck Ave to replace the Video Camera. After replacing the Video Camera I returned to 2116 Allston Way unit # 514.

Using a Nikon D90 digital camera I photographed the interior of 2116 Allston Way unit # 514. Officer Mathis # 80 stood by with me inside unit # 514 during the time I was inside taking photographs. The photos document:

Mattress located on floor inside bathroom

Small suitcase (open) containing medication and other miscellaneous items, sitting on top of a CD player which was sitting on a chair located in the living room

Five (5) prescription medications in the name of [REDACTED] (located inside the above mentioned small suitcase)

Two (2) suitcases (one black & one floral) located on the floor in the living room next to the above mentioned chair

Syringe located on the table next to the bed in the bedroom

Six (6) prescription medications in the name of [REDACTED] located on the TV stand in the bedroom

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REPORTING OFFICER

Jamison, Catherine

DATE / TIME WRITTEN

02/18/2013 23:40

White coffee mug (wrapped in suspected saran wrap) located on the table next to the bed in the bedroom

Three (3) prescription medications in the name of [REDACTED] located on the wire shelf in the entry way hallway

A piece of paper taped to the bathroom mirror with the words "A BITCH AN'T SHIT" written on it

A piece of paper affixed to the wall in the living room in two different locations with the words "A BITCH AN'T SHIT" written on them

At approximately 0142 hrs I cleared the scene.

C. Jamison #452
CRIME SCENE UNIT

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BERKELEY POLICE DEPARTMENT
USE OF FORCE REPORT

This report is to be completed by an on-duty supervisor per General Order U-2 if: (1) Use of non-lethal or lethal force results in injury or death to a person; (2) If non-lethal weapons (OC/baton) are used on a person; or (3) If an employee discharges a firearm, on or off duty, intentionally or unintentionally.

Date: 02-13-13

To: Chief of Police via Chain of Command

From: Sgt. B. Cardoza S-31 *APL-B*

Subject: USE OF FORCE REVIEW

Refer to Case Number(s): 13-8510

Date / Time of Incident: 02/12/13 / 2349 hours

Location of Incident: 2116 Allston Wy. Apartment #514

Nature of Incident: Disturbance

Officer(s) / Employee(s) Involved: Ofc. B. Smith, Ofc. G. Brown, Ofc. K. Tu, Ofc. T. Gardner, Ofc. N. Kastmiller, Ofc. B. Mathis

Type of Force used: ☒ Physical ☐ Baton ☐ O.C.
☐ Firearm ☐ Other: _____

Was Officer or Police Employee injured? ☒ Yes ☐ No

If "yes," nature of injuries: Ofc. G. Brown sustained pain to her left thumb and left arm radiating up the arm. Ofc. Gardner twisted his right knee.

Medical treatment required: BFD Response— ☐ Yes ☒ No

Was a citizen(s) injured during this incident? ☐ Yes ☒ No

If "yes," nature of injuries: The suspect did not sustain any visible injuries

RECEIVED

FEB 19 2013

OFFICE OF THE CHIEF

Medical treatment required:

BFD Response— ☒ Yes

☐ No

While officers were attempting to restrain the suspect on the ground he started to exhibit symptoms of an unknown medical condition. The suspect complained of shortness of breath. Approximately 1 minute later the suspect went limp and stopped breathing and his pulse stopped. Officers initiated CPR and were subsequently relieved by BFD Paramedics. BFD transported the suspect to ABH where he was pronounced deceased at 0134 by ABH medical Staff.

Investigator(s) and Identification Technician who responded, if any:

CSO Jamison

Were photographs taken?

☒ Yes

☐ No

Summary of actions of Officer(s) involved:

On the above date and time BPD responded to 2116 Allston Wy. Apartment #514 for a report of schizophrenic off of his medication, and drinking alcohol. Upon arrival officers made contact with the reporting party in front of the address. Officers initiated contact with Moore in the doorway of the apartment. During the contact, Moore became increasingly agitated, and made numerous paranoid, rambling statements. Moore repeatedly stated that he was being followed by the FBI, and that he did not believe that the officers were real police officers.

Officers asked Moore to come outside to speak to her. Moore agreed, and stepped outside of the apartment onto the exterior walkway. Officers then informed Moore that he was being detained for a warrant. Moore became extremely upset and was unresponsive to verbal commands. During the detention Moore immediately began screaming and violently pulling away, and then ran back into the apartment, pulling officers in with him.

Moore continued to actively resist officer's attempts to detain him in handcuffs. Officers called for Code-3 cover, and several other BPD units responded to assist. Moore continued to violently resist by trying to buck officers off of him, kicking, and trying to pull his arms away from. After struggling for several minutes, officers were able to gain control of Moore's arms and place him in handcuffs.

After being secured in handcuffs, Moore continued to scream and kick for a short period of time before appearing to calm down. Once he calmed, He was rolled onto his side, and officers confirmed that he was breathing and had a pulse. Approximately one minute later officers reported that Moore was no longer breathing and no longer had a pulse. Officers initiated CPR on Moore. Officers were relieved by BFD paramedics at the scene. BFD transported Moore to ABH where he was pronounced deceased at approximately 0134 hrs of an unknown medical condition.

Supervisor's Comments:

Appropriate use of force for the circumstances and the situation.

Division Commander Recommendation:

WITHIN POLICY 6/11/13

[Signature]
Chief of Police (Signature)

2-21-13

(Date)

Findings:

☐ Within Policy

☒ Referred for Administrative
Action / Investigation



BERKELEY POLICE DEPARTMENT

POLICE REPORT SUPPLEMENTAL

2100 Martin Luther King Jr. Way
Berkeley, CA 94704
(510) 981-5900

CASE NO.

2013-00008510

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REPORTING OFFICER

Hong, Peter

DATE / TIME WRITTEN

02/20/2013 15:29:15

APARTMENT NEIGHBORHOOD CANVAS

On 02-19-13 at about 2040 hrs, Officers Grant, P. Lee and I began contacting available residents at 2116 Allston Way (Gaia Building).

Unit [REDACTED] did not hear or see anything prior to police arrival. [REDACTED] looked out and saw 5-6 police officers going in and out of the apartment. Otherwise, [REDACTED] did not see or hear anything noteworthy. [REDACTED] had no previous interaction with Moore.

Unit [REDACTED] Resident didn't see or hear anything on the date/time of incident. Resident had no previous interaction with Moore.

Unit [REDACTED] Resident didn't see or hear anything on the date/time of incident. Resident had no previous interaction with Moore.

Unit [REDACTED] saw police cars on Allston Street on the date/time of incident. Otherwise, [REDACTED] did not see or hear anything noteworthy. [REDACTED] had no previous interaction with Moore.

Unit [REDACTED] Resident was asleep. Resident didn't see or hear anything on the date/time of incident. Resident had no previous interaction with Moore.

Unit [REDACTED] Resident didn't see or hear anything on the date/time of incident. Resident had no previous interaction with Moore.

Unit [REDACTED] No answer.

Unit [REDACTED] No answer.

Unit [REDACTED] heard "banging" and shouting and briefly saw police presence in apartment 514 on the date/time of incident. Otherwise, [REDACTED] did not see or hear anything noteworthy.

Unit [REDACTED] No answer.

Unit [REDACTED] didn't see or hear anything on the date/time of incident. However, [REDACTED] had previous contacts with Moore. [REDACTED] described Moore ("Big African lady) as "tweaking out all the time," "going around asking for cigarettes," and often "talking to [her]self."

Unit [REDACTED] No answer.



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REPORTING OFFICER

Hong, Peter

DATE / TIME WRITTEN

02/20/2013 15:29:15

Unit [REDACTED] - Resident did not see or hear anything on the date/time of incident.

Unit [REDACTED] - No answer.

Unit [REDACTED] - No answer.

Unit [REDACTED] - No answer.

Unit [REDACTED] had one contact with the "overweight black lady." Moore kept a postal package for [REDACTED] until [REDACTED] came home and Moore gave it to her.

Unit [REDACTED] heard a "thump" at around 11:00 pm before the police arrived on 02-12-13. Close to midnight [REDACTED] heard a "fight going on" and "yelling." [REDACTED] heard Moore yelling words to the effect of "get off me," "you're hurting me," and "don't touch me." [REDACTED] apartment is directly to the east of Moore's. On five previous occasions in the last five months or so, Moore has offered to sell [REDACTED] "speed and meth." Moore once told [REDACTED], "If you need a hook up for speed, I have some." [REDACTED] described Moore as often "impaired" "twitching," and Moore's "eyes dilated."

Unit [REDACTED] heard a "high pitched" scream and Moore yelling, "No get off me," on the date/time of incident. Numerous police officers arrived. Otherwise, [REDACTED] didn't see or hear anything else that was noteworthy. [REDACTED] had previous contacts with Moore. Moore would often come knocking asking to borrow a cell phone and other household items (e.g. pen, can opener, etc.). [REDACTED] has frequently seen Moore in the apartment lobby talking with different men and "random" people. [REDACTED] described Moore as "on crack all the time" and "high all the time."

Unit [REDACTED] didn't see or hear anything on the date/time of incident. [REDACTED] described Moore as "annoying." Moore often came knocking asking to borrow a cell phone and cigarettes.

Unit [REDACTED] - No answer.

Unit [REDACTED] - Resident didn't hear or see anything on the date/time of incident. Resident had no previous contact with Moore.

Unit [REDACTED] - No answer.

Unit [REDACTED] heard "screams" and a "loud wail" on the date/time of incident but [REDACTED] didn't look out. [REDACTED] described Moore as "weird" and "spacey." Moore often came knocking asking for a cigarette or to borrow a cell phone. [REDACTED] had "suspicious" that Moore was often "under the influence."

Unit [REDACTED] - No answer.

NARRATIVE
CONTINUATION



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REPORTING OFFICER

Hong, Peter

DATE / TIME WRITTEN

02/20/2013 15:29:15

Unit [REDACTED] - No answer.

Unit [REDACTED] - Resident did not see or hear anything on date/time of incident.

Unit [REDACTED] - Resident (unidentified) heard "a lot of screaming from inside" apartment 514 on the date/time of incident. Otherwise, resident didn't see or hear anything else noteworthy. Resident had previous contacts with Moore. Moore often knocked on resident's door asking for cigarettes. On one occasion Moore tried to sell the resident something that was "leafy" in a clear plastic bag. Resident does not know what marijuana looks or smells like.

Unit [REDACTED] - Resident did not see or hear anything on the date/time of incident. Resident had no previous contact with Moore.

Unit [REDACTED] - [REDACTED] didn't see or hear anything on the date/time of incident. [REDACTED] had previous contacts with Moore; known to [REDACTED] as "Kayla." [REDACTED] described Moore as being "sketchy" and always being "high" and "never all there."

Unit [REDACTED] - Resident didn't see or hear anything on the date/time of incident. Resident had no previous contact with Moore.

NARRATIVE

CONTINUATION



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REPORTING OFFICER
Lee, Peter

DATE / TIME WRITTEN
02/20/2013 08:57:25

NARRATIVE
CONTINUATION

crashing sound as if something fell from the top floor. [REDACTED] did not see anything.

[REDACTED] refused to open the door)

Does not recognize photo of Moore

Did not hear or see anything out of the ordinary on 2-12-13.

Does not recognize photo of Moore

Did not hear or see anything out of the ordinary on 2-12-13.

[REDACTED] said in summary that he recognizes Moore's DMV photo and has seen him around approximately 10 times. [REDACTED] said that Moore was always waiting to be let into the building. Moore was "different." [REDACTED] did not hear or see anything out of the ordinary on 2-12-13.

[REDACTED] said in summary that he recognizes Moore's DMV photo and has had approximately 5 to 6 encounters with him. Moore "always asked for cigarettes." [REDACTED] said that Moore "always seemed a little off." He also said that he "thought there was a drug thing going on." [REDACTED] did not hear or see anything out of the ordinary on 2-12-13.

[REDACTED] (refused to give telephone number)

- Does not recognize photo of Moore

- Did not hear or see anything out of the ordinary on 2-12-13.

- Does not recognize photo of Moore

- Did not hear or see anything out of the ordinary on 2-12-13.

[REDACTED] said in summary that he recognizes Moore's photo and has approximately 4 encounters with him.

[REDACTED] said that Moore seemed to be on drugs and that Moore seemed "off." [REDACTED] did not hear or see anything out of the ordinary on 2-12-13. [REDACTED] also said that his friend [REDACTED] had an encounter with Moore in the elevator.

I contacted [REDACTED] [REDACTED] said that Moore asked if [REDACTED] sold Speed when they were riding in the elevator. [REDACTED] told him no and that was the end of the encounter.

[REDACTED] said in summary that she recognizes Moore's photo and that Moore has offered her drugs before. [REDACTED] said that she "wouldn't be surprised if Moore was mentally unstable." She also said that Moore was "super friendly", but a person that she wouldn't "instinctively trust." [REDACTED] did not hear or see anything out of the ordinary on 2-12-13.

Nothing further.



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REPORTING OFFICER

Grant, Jesse

DATE / TIME WRITTEN

02/19/2013 22:44:34

2116 Allston, Gaia Building, canvass:

- No answer.

saw/heard nothing.

saw/heard nothing.

saw/heard nothing.

saw/heard nothing.

saw/heard nothing.

saw/heard nothing.

No answer.

saw/heard nothing.

No answer.

saw/heard nothing.

saw/heard nothing.

saw/heard nothing.

saw/heard nothing.

saw/heard nothing.

No answer.

No answer.

saw/heard nothing.

saw/heard nothing.

saw/heard nothing.

No answer.

saw/heard nothing.

No answer.

No answer.

saw/heard nothing.

saw/heard nothing.

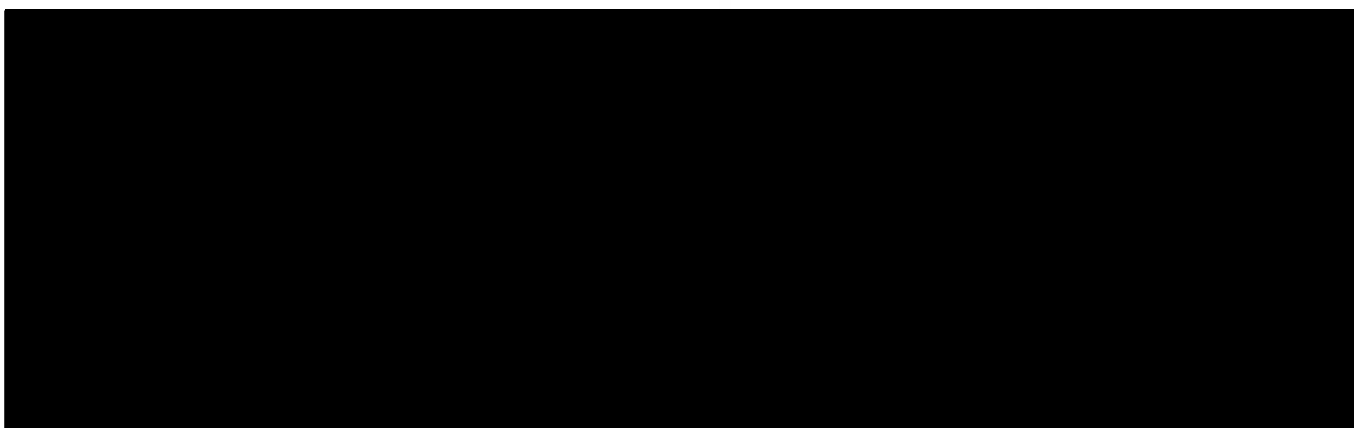
saw/heard nothing.

saw/heard nothing.

RE
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About 0821 hrs the same female called back and said, "Yeah, hi, I'm calling because I need to get an ambulance, so that I can, um, go to the hospital." When asked what was wrong the female responded, "It's nothing mental, it's physical. . . I'm having trouble breathing." The female said she was 41 years old and her name was "Xavier Moore." The dispatcher told Moore an ambulance was going to be sent.

About 0905 hrs, I obtained a search warrant (signed by the Honorable Judge T. Rogers, Superior Court) for the Berkeley Fire Department Patient Care Reports for emergency services provided to Xavier Moore on 01-11-13 (13-0331) and the instant incident, 02-13-13 (13-1652).



(The Patient Care Reports are included in this report.)

About 1400 hrs, I received a flash drive from Panoramic Management that contained the video footage of the Gaia Building's lobby, elevator, and street on the night of 02-12-13 about 2356 hrs to 02-13-13 about 0130 hrs.

The following events are based on the Gaia Building's video system and the video system's date and time stamp:

Video file titled "Police1(1)(1).avi" is footage of the sidewalk in front of the Gaia building.

02/12/13	23:56:35	Officers Tu and Brown arrives
	23:57:15	Officer Smith arrives

Video file titled "Police(2)1.avi" is continued footage of the sidewalk in front of the Gaia.

02/13/13	00:00:05	John Hayes contacts officers outside the building
	00:26:34	Officer Smith exits building with Hayes
	00:28:38	Officer Smith reenters building
	00:29:36	Officer Mathis arrives
	00:30:23	Officers Gardner and Kastmiller arrives
	00:30:30	Sergeant Phillips arrives
	00:30:45	Sergeant Cardoza arrives

00:34:45 Officer Mathis exits building in search of a spit mask
00:35:36 Sergeant Cardoza exits building
00:40:00 Fire paramedics arrives
00:40:52 Paramedics enter building

Video file titled "Police(2)(2).avi" is continued footage of the sidewalk in front of the Gaia.

02/13/13 01:01:45 Paramedics exit the building with Moore

Video file titled "Police(3)1.avi" is footage of the lobby area in the Gaia Building

(The only footage reviewed was the date/time when Officers Brown, Tu, and Smith entered the building with John Hayes. This footage clearly captures the officers' uniform and appearance.)

02/13/13 00:03:06 Hayes leads Officers Brown, Tu, and Smith into the Gaia lobby

Video file titled "PoliceElevator(1).avi" is footage of inside the elevator of the Gaia Building.
(During the first 24 minutes of this file footage the camera was inoperable.)

02/13/13 00:25:40 Smith enters elevator with Hayes en route to jail
 00:29:43 Smith exits elevator on 5th floor en route to assist Tu and Brown
 00:30:52 Officer Mathis, Gardner, and Kastmiller exit elevator on 5th floor
 00:41:55 Officers Mathis/Cardoza and paramedics exit elevator on 5th floor
 01:00:10 Paramedics enter elevator on 5th floor with Moore on gurney

March 25, 2013

About 1630 hrs, I emailed [REDACTED] requesting contact.

To date, I have been unable to identify "Angel." To date, [REDACTED] has not responded to my requests for contact.

April 23, 2013

About 0940 hrs, I received the completed Coroner's report via facsimile.

In summary, the investigator determined the manner of death to be accidental. Dr. Beaver (Pathologist) determined the cause of death as acute combined drug intoxication.

In his report, Dr. Thomas Beaver, M.D., Pathologist, Alameda County Coroner's Office listed the following findings. Xavier Moore suffered from "acute combined drug intoxication." Moore had an enlarged heart (Cardiomegaly). "Postmortem toxicological analysis of leg vein blood demonstrated methamphetamine and codeine at toxic levels."



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OFFENSES

NO.	SECTION - TYPE	ATTEMPT / COMMIT	COUNTS	MO FACTORS	
1				<input type="checkbox"/> ACCELERANT USED OPEN FLAME <input type="checkbox"/> ALARM DISABLED <input type="checkbox"/> APPROACHED FROM FRONT <input type="checkbox"/> APPROACHED FROM REAR <input type="checkbox"/> ASKED FOR CHANGE <input type="checkbox"/> SOUND GAGGED HANDCUFFED <input type="checkbox"/> CAR MOVED ABANDONED NEARBY <input type="checkbox"/> CLOSING OPENING TIME <input type="checkbox"/> DEFEATED <input type="checkbox"/> DESAND NOTE USED <input type="checkbox"/> DISGUISED BY SUSPECT <input type="checkbox"/> DOOR KICK <input type="checkbox"/> DRUG RIP OFF <input type="checkbox"/> EMULATED <input type="checkbox"/> FIRED WEAPON <input type="checkbox"/> FOLLOWS STALKS VICTIM <input type="checkbox"/> FORCED TO COVER FACE <input type="checkbox"/> FORCED TO DISROBE <input type="checkbox"/> FORCED TO FOWLE SUSPECT <input type="checkbox"/> FORCED TO REAR OF STORY <input type="checkbox"/> FORCED VICTIM TO GROUND <input type="checkbox"/> GLASS OR PANEL REMOVED <input type="checkbox"/> GLOVES WORN <input type="checkbox"/> HATE MOTIVATED <input type="checkbox"/> HOTWIRE <input type="checkbox"/> IGNITION PUNCH	<input type="checkbox"/> IMPERSONATE POLICE LAW <input type="checkbox"/> INTERNAL THEFT <input type="checkbox"/> INTERRUPTED BURGLARY <input type="checkbox"/> LOCK CHEAT <input type="checkbox"/> LOCK PUNCH <input type="checkbox"/> LOCK PRY <input type="checkbox"/> LOWE CLERY <input type="checkbox"/> MADE URGENT DEMANDS <input type="checkbox"/> MARK WORK FACE HIDDEN <input type="checkbox"/> MASTURBATED <input type="checkbox"/> OPEN LOCKED WINDOW DOOR <input type="checkbox"/> ORALLY COPIULATED <input type="checkbox"/> OTHER SEX ACTS <input type="checkbox"/> PHONE DISABLED <input type="checkbox"/> POWER DISABLED <input type="checkbox"/> PRY WINDOW DOOR <input type="checkbox"/> PURSE SNATCH GONE BAD <input type="checkbox"/> RAPED <input type="checkbox"/> RAPED WITH FOREIGN OBJECT <input type="checkbox"/> ROBBED NEAR ATM <input type="checkbox"/> SECURITY CAMBRA REMOVED <input type="checkbox"/> SHAVED KEY <input type="checkbox"/> SHOPLIFT GONE BAD <input type="checkbox"/> SPOONIZED <input type="checkbox"/> STERNO COLUMN PRY <input type="checkbox"/> STRUCK VICTIM WITH A WEAPON <input type="checkbox"/> STRUCK VICTIM WITH HANDS FEET <input type="checkbox"/> TAKEOVER
2					<input type="checkbox"/> TELL TAP <input type="checkbox"/> TORTURED <input type="checkbox"/> USED A LOOKOUT <input type="checkbox"/> USED CHSM AGENT PEPPER SPRAY <input type="checkbox"/> VICTIMS CLOTHES CUT RIPPED <input type="checkbox"/> WEAPON USED <input type="checkbox"/> WINDOW SMASH BURGLARY
3					
4					
5					
6					
7					
8					

SUSPECT ADD	VICTIM ADD
<input type="checkbox"/> ALCOHOL <input type="checkbox"/> DRUGS	<input type="checkbox"/> ALCOHOL <input type="checkbox"/> DRUGS
TOOLS	
<input type="checkbox"/> BOLT CUTTER <input type="checkbox"/> BRICK/ROCK <input type="checkbox"/> FLASHLIGHT <input type="checkbox"/> GLASS CUTTER <input type="checkbox"/> KEYLOCKPICK <input type="checkbox"/> OTHER <input type="checkbox"/> PLIERS	<input type="checkbox"/> PORCELAIN CHIPS <input type="checkbox"/> PRY TOOL <input type="checkbox"/> SAWDRILL <input type="checkbox"/> SCREWDRIVER <input type="checkbox"/> TAPE WIRE <input type="checkbox"/> VICE GRIPS

DETAILS

BURGLARY DETAILS	
POINT OF ENTRY: <input type="checkbox"/> BATHROOM WINDOW <input type="checkbox"/> BEDROOM WINDOW <input type="checkbox"/> DINING ROOM WINDOW <input type="checkbox"/> DUCT VENT ROOF <input type="checkbox"/> FLOOR <input type="checkbox"/> FRONT DOOR <input type="checkbox"/> GARAGE <input type="checkbox"/> GARAGE DOOR <input type="checkbox"/> KITCHEN WINDOW <input type="checkbox"/> LIVING ROOM WINDOW <input type="checkbox"/> PET DOOR <input type="checkbox"/> REAR DOOR <input type="checkbox"/> REAR WINDOW <input type="checkbox"/> SLIDING GLASS DOOR <input type="checkbox"/> VEHICLE DOOR - DRIVER FRONT <input type="checkbox"/> VEHICLE DOOR - DRIVER REAR <input type="checkbox"/> VEHICLE DOOR - PASSENGER FRONT <input type="checkbox"/> VEHICLE DOOR - PASSENGER REAR <input type="checkbox"/> WALL	METHOD: <input type="checkbox"/> BROKE SMASHED FORCED <input type="checkbox"/> BYPASSED LOCK <input type="checkbox"/> HID IN BUILDING <input type="checkbox"/> LOCK PUNCH <input type="checkbox"/> NOT EVIDENT UNK. <input type="checkbox"/> PRY TOOL <input type="checkbox"/> UNLOCKED OPEN
POINT OF EXIT: <input type="checkbox"/> BATHROOM WINDOW <input type="checkbox"/> BEDROOM WINDOW <input type="checkbox"/> DINING ROOM WINDOW <input type="checkbox"/> DUCT VENT ROOF <input type="checkbox"/> FLOOR <input type="checkbox"/> FRONT DOOR <input type="checkbox"/> GARAGE <input type="checkbox"/> GARAGE DOOR <input type="checkbox"/> KITCHEN WINDOW <input type="checkbox"/> LIVING ROOM WINDOW <input type="checkbox"/> PET DOOR <input type="checkbox"/> REAR DOOR <input type="checkbox"/> REAR WINDOW <input type="checkbox"/> SLIDING GLASS DOOR <input type="checkbox"/> VEHICLE DOOR - DRIVER FRONT <input type="checkbox"/> VEHICLE DOOR - DRIVER REAR <input type="checkbox"/> VEHICLE DOOR - PASSENGER FRONT <input type="checkbox"/> VEHICLE DOOR - PASSENGER REAR <input type="checkbox"/> WALL	METHOD: <input type="checkbox"/> BROKE SMASHED FORCED <input type="checkbox"/> BYPASSED LOCK <input type="checkbox"/> HID IN BUILDING <input type="checkbox"/> LOCK PUNCH <input type="checkbox"/> NOT EVIDENT UNK. <input type="checkbox"/> PRY TOOL <input type="checkbox"/> UNLOCKED OPEN

SUBJECTS

NO.	INVOLVMENT	NAME (LAST, FIRST, MIDDLE, SUFFIX)	AR - Arrested	IP - Involved Party	MP - Missing Party	OP - Other Party	SU - Suspect	VI - Victim	WI - Witness
1									
2									
3									
4									
5									
6									
UNIDENTIFIED SUBJECTS									

VEHICLES

NO.	LICENSE NUMBER	YEAR	MAKE	MODEL	STYLE	COLOR(S)
VICT VEH 1	/					/
DESCRIPTION						
VICT VEH 2	/					/
DESCRIPTION						
VICT VEH 3	/					/
DESCRIPTION						
SUSP VEH 1	/					/
DESCRIPTION						
SUSP VEH 2	/					/
DESCRIPTION						

REPORTING OFFICER
Vargas, Cuauhtemoc

DATE / TIME WRITTEN
02/13/2013 20:57:38

CRIME SCENE PERSONNEL

**BERKELEY POLICE DEPARTMENT
PROPERTY CONTROL**

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REPORTING OFFICER

Vargas, Cuauhtemoc

DATE / TIME WRITTEN

02/13/2013 20:57:38

CODE: S-STOLEN F-FOUND S/R-STOLEN/RECOVERED K-SAFEKEEPING E-EVIDENCE

1	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	1 EACH	Clothing			
	DESCRIPTION Evidence #1 - leopard print fabric with a knot or tied in the center - brand of garment "H&M".					
2	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	1 EACH	Clothing			
	DESCRIPTION Evidence #2 - leopard print fabric sleepwear brand "freeplay" one size.					
3	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	1 EACH	Miscellaneous			
	DESCRIPTION Evidence #3 - small white straw.					
4	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	1 EACH	Miscellaneous			
	DESCRIPTION Evidence #5 - prescription box only "pro air HFA" and 5 blue instruction papers for Moore Xavier.					
5	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	1 EACH	Miscellaneous			
	DESCRIPTION Evidence #6 - hypodermic needle with orange cap.					
6	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	1 EACH	Miscellaneous			
	DESCRIPTION Evidence #7- small brown box with elephant picture - containing four loose pills, a pin and bobby pin.					
7	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	1 EACH	Currency, Notes, etc.			
	DESCRIPTION Evidence #7- two pennies.					
8	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	1 EACH	Jewelry Precious Metals			
	DESCRIPTION Evidence #7- silver metal hoop earring.					
9	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	1 EACH	Jewelry Precious Metals			
	DESCRIPTION Evidence #7- yellow metal hoop earring.					
10	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	1 EACH	Miscellaneous			
	DESCRIPTION Evidence #8 - white coffee cup with white residue and tissue inside of coffee cup.					
11	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	1 EACH	Miscellaneous			
	DESCRIPTION Evidence #9 - small brown box brand "US POLO ASSA" containing numerous small blue plastic items, yellow cap					
12	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	1 EACH	Jewelry Precious Metals			
	DESCRIPTION Evidence #9 - yellow metal link chain two pices.					
13	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	1 EACH	Miscellaneous			
	DESCRIPTION Evidence #10- small white plastic container brand "Johnson and Johnson" containing three small baggies appear					
14	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	1 EACH	Miscellaneous			
	DESCRIPTION Evidence #11 - AT and T statement bill and north shore Agency letter.					
15	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	1 EACH	Miscellaneous			
	DESCRIPTION Evidence #12- black Remington travel case containing three blue gloves and a black shoe string.					
16	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	1 EACH	Miscellaneous			
	DESCRIPTION Evidence #13- black toiletry travel case with "SF" logo on the side containing a black wallet, glide personal lubric					

FIREARMS

1	MAKE	MODEL	SERIAL #	FINISH	VALUE
	DESCRIPTION				
2	MAKE	MODEL	SERIAL #	FINISH	VALUE
	DESCRIPTION				
3	MAKE	MODEL	SERIAL #	FINISH	VALUE
	DESCRIPTION				



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REPORTING OFFICER

Vargas, Cuauhtemoc

DATE / TIME WRITTEN

02/13/2013 20:57:38

BERKELEY POLICE DEPARTMENT EVIDENCE AND PHOTOGRAPHIC REPORT

Case Number: 13-08510

Type of Call: Search Warrant

Victim/Subject:

Date: 02/13/2013

Officer at Scene: #S-27 #26 #29

Weather:

Location: 2116 Allston #514

Time Arrived: 1258hrs

Time Completed: 1500hrs

Camera: Sony DSC-S2100 digital camera

Number of Photos: 255 photos

Video Camera: Sony handy cam DCR-SR82 digital video camera (7 video clips)

Latent Prints: NO

Elimination Prints:

GSR: No

Evidence: yes

DNA/Swab: No

Buccal: No

Other:

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At approximately 1258hrs I met with Homicide Sergeant Hong #S-27 as well as with Homicide Detective Johnson #26 and Homicide Detective Grant#29 at the location listed above. Sergeant Hong informed me of the case and requested pre and post video/photographs of the apartment#514 prior to conducting a search warrant of the premises.

I took pre photos and video of the one bedroom apartment. Upon my completion Homicide staff conducted their search warrant on the apartment. Upon their completion Sergeant Hong informed me of some items he wanted collected as evidence.

I immediately labeled each item on scene with evidence placards #1 through #13. I took photos and video of the evidence prior to collecting the items as evidence. Once I completed collecting the evidence I did my post video and photographs of the apartment.

Detective Grant secured the apartment prior to our departure from the scene.

Evidence: the following evidence was collected using the following sterile equipment - gloves, brown paper bags and manila envelopes.

- 1) Leopard print fabric with a knot or tied in the center - brand of garment "H&M. Located inside 2116 Allston #514 - on the north east kitchen corner lying on the carpet floor.
 - 2) Leopard print fabric sleepwear brand "Free Play" one size. Located inside 2116 Allston #514 - on the kitchen chair.
 - 3) small white straw located inside a cardboard box - the box was located in the middle of the kitchen floor of 2116 Allston #514.
 - 4) small clear baggie containing green leafy substance (suspected marijuana) located inside a cardboard box - the box was located in the middle of the kitchen floor of 2116 Allston #514.
- Note:** Detective Johnson #26 collected it as evidence, I only took photos of evidence #4.

**BERKELEY POLICE DEPARTMENT
PROPERTY CONTROL**

CASE NO.

2013-00008510

PAGE
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6

REPORTING OFFICER

Vargas, Cuauhtemoc

DATE / TIME WRITTEN

02/13/2013 20:57:38

CODE: S-STOLEN F-FOUND S/R-STOLEN/RECOVERED K-SAFEKEEPING E-EVIDENCE

1	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	1 EACH	Jewelry Precious Metals			
DESCRIPTION Evidence #13- silver ring with small clear stones.						
2	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	255 EACH	Digital Photos			
DESCRIPTION photos are stored in the Crime Scene Unit digital photos database VeriPic.						
3	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	7 EACH	Digital Video			
DESCRIPTION video clips are stored in the crime scene unit digital photos/video database VeriPic.						
4	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						
5	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						
6	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						
7	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						
8	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						
9	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						
10	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						
11	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						
12	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						
13	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						
14	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						
15	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						
16	CODE	QTY	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
DESCRIPTION						

FIREARMS

1	MAKE	MODEL	SERIAL #	FINISH	VALUE
	DESCRIPTION				
2	MAKE	MODEL	SERIAL #	FINISH	VALUE
	DESCRIPTION				
3	MAKE	MODEL	SERIAL #	FINISH	VALUE
	DESCRIPTION				



BERKELEY POLICE DEPARTMENT
POLICE REPORT
SUPPLEMENTAL

2100 Martin Luther King Jr. Way
Berkeley, CA 94704
(510) 981-6900

CASE NO.

2013-00008510

PAGE
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6

REPORTING OFFICER

Vargas, Cuauhtemoc

DATE / TIME WRITTEN

02/13/2013 20:57:38

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5) a cardboard prescription box only and five blue instruction papers for Moore Xavier - the items were located inside a purse that was also located inside the cardboard box that was located in the kitchen floor of 2116 Allston #514.

6) Hypodermic needle with orange cap located on the nightstand -The night stand was located in the single bedroom room of 2116 Allston #514.

7) small brown box with a picture of an elephant located on the exterior top of box. The box contained two pennies, one yellow metal hoop earring, one silver metal hoop earring, seiu pin, two metal bobby pins and four loose pills.

8) White coffee cup containing unknown white residue and tissue located on the bedroom nightstand. The top of the coffee cup appeared to have been wrapped with clear plastic. The nightstand was located in the single bedroom room of 2116 Allston #514.

9) small brown box brand "US POLO ASSA" containing numerous small blue plastic items, yellow capsule style pills (G5027), metal key, one touch ultra x two containers and a two piece yellow metal chain link.

10) small white plastic container brand Johnson and Johnson containing three small empty baggies and two small metal objects and a booby pin. This item was located on the single bedroom nightstand of 2116 Allston#514.

11) AT and T statement bill and North Shore Agency letter. The items were located in the single bedroom of 2116 Allston #514.

12) Black Remington travel case containing three blue plastic gloves and a black shoe string. The item was located inside the TV entertainment center located in the single bedroom room of 2116 Allston #514

13) black toiletry travel case with SF logo on the side containing a black wallet with no money just misc cards (bart ticket, muni pass and super 8 motel cards), glide personal lubricant x 2, alcohol prep pad x6, secret deodorant, small round tin cans, blue sterile water plastic capsules and a silver metal ring.

Sony handy cam DCR-SR82 digital video camera (7 video clips):

1) pre and post search video of 2216 Allston #514. The apartment consisted of a single bedroom, single bath and an open shared room for the kitchen / dining room and living room. Video also shows evidence labeled #1 through #13 prior to collecting as evidence from the scene.

Video clip #1 - 4 seconds

Video clip #2 - 12min 09seconds

Video clip #3 - 2min 48seconds

Video clip #4 - 4seconds

Video clip #5 - 2min 44 seconds

Video clip #6 - 2min 11 seconds

Video clip #7 - 4 seconds

Using a Nikon D80 digital camera the following photos were taken:

1) photos of 2116 Allston #514 - search warrant

a) pre and post photos of the apartment that consisted of a single bedroom, single bath and an open shared room for the kitchen / dining room and living room.

Note: during my pre photographs and video I noticed a single mattress and what appeared to be a vacuum on



BERKELEY POLICE DEPARTMENT

POLICE REPORT SUPPLEMENTAL

2100 Martin Luther King Jr. Way
Berkeley, CA 94704
(510) 981-5900

CASE NO.

2013-00008510

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REPORTING OFFICER

Vargas, Cuauhtemoc

DATE / TIME WRITTEN

02/13/2013 20:57:38

the bedroom floor. The bathroom was very cluttered and a written sign that read "A BITCH AINT SHIT" tapped on the bathroom mirror. Two other similar signs were noted in the Kitchen/living room as well. The interior of the bedroom and kitchen/living room/dining room appeared to be cluttered.

b) Photos of the evidence #1 through #13 listed above in the evidence list.

c) photos of the evidence #1 through #13 photographed in the Berkeley Police Department Crime Scene Unit Lab.

Note: evidence was inspected and photographed prior to properly (jewelry and currency) booking into the Berkeley Police Department property room.

d) photos of the exterior of apartment #514 capturing the front door and pedestrian walkway.

At approximately 1500hrs I cleared the scene and the photos and video were stored in the Crime Scene Unit digital photos/video database VeriPic. The evidence was properly packaged, sealed and booked into the Berkeley Police Department on 02/13/2013 at approximately 2200hrs.

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Prepared by,
CSO C. Vargas #430
Berkeley Police Department
Crime Scene Unit
2100 Martin Luther King
Berkeley CA 94704
1(510)981-5710
02/20/2013 1001hrs

N92000103DSDM

00001122

□LEWX AWS PROD (Q,P)

AWS: INQUIRY LIST

03/05/13 16:51

REQUEST PARMs: NAME/MOORE,XAVIER 04/17/1952 3 M

RECORD COUNT: 1

STK/SEQ OPTIONS: HELP MORE WKSHEET REQV VRFY DILIG STATUS EXTD

F 1 ACTIVE MISDEM BW WKK:720035

RESP:03801 CRT:38460 DOW:07272010

MOORE,XAVIER CHRISTOPHER

DOB:04/17/1952

AKA:

SRHE:M B

BAI:10,000.00 VIO:PC 242

1388 CALIFORNIA ST

WSC: MA

SAN FRANCISCO,CA

CRT #2453494 D14 *CONTACT RESP AGCY*

MSG:REQUEST SENT TO CLETS

##END: ALL AWS RESPONSES SENT # F



Alameda County Sheriff's Office
Gregory J. Ahern, Sheriff / Coroner
Coroner's Bureau, 480 4th Street, Oakland, CA
94607-3829
(510) 268-7300 / (510) 268-7333 (fax)

Investigator Narrative

Decedent: MOORE, Xavier Christopher
Case Number: 2013-00538
Investigator: Karen Easling

First Call Information:

On Wednesday, February 13, 2013, about 0245 hours, Nurse R. MORENO of the Emergency Room (ER) at Alta Bates Medical Center-Ashby Campus called to report the death of Xavier MOORE. MOORE was transported to the hospital ER after he became unresponsive while Berkeley Police Department (BPD) officers were attempting to restrain him. Cardiopulmonary Resuscitation (CPR) was initiated by BPD. Berkeley Fire Department arrived, on scene, and continued life-saving measures while en route to the hospital. MOORE arrived unresponsive in the ER approximately 0110 hours. Hospital personnel continued life saving measures, without success, and death was pronounced by Dr. B. BONNES at 0134 hours. (KEE8410)

Medical Summary:

According to BPD, MOORE became unresponsive while officers were attempting to detain him for a psychiatric hold. While officers were struggling to restrain MOORE, he was face down, on a mattress, on the floor. Officers were able to handcuff MOORE, using two sets of handcuffs, due to his size. MOORE continued to resist after being handcuffed. An ankle strap was used to restrain MOORE's feet. Shortly after being restrained, MOORE stopped resisting and was moved onto his side by BPD. At that time, MOORE was breathing and had a pulse. About one minute later, MOORE became unresponsive. He was not breathing and officers were unable to find a pulse. Officers immediately removed the handcuffs from MOORE's wrists and moved him onto his back to begin CPR.

According to friends, at the scene, the decedent was under the influence of methamphetamines, alcohol, and marijuana. MOORE had been on a drug binge for several days and was behaving unusually.

According to MOORE's mother, Elysse PAIGE-MOORE, the decedent was a diagnosed paranoid schizophrenic. MOORE was obese, had breathing difficulties and high blood pressure. MOORE was transgender and taking estrogen. He also had a history of drug addiction.

Four vials of blood were collected from the hospital. (KEE8410)

Description of the Death/ Injury Scene:

The decedent was pronounced in the ER of Alta Bates Medical Center- Ashby Campus.

About 0320 hours, Deputy M. AHLF #1708 and I (EASLING) arrived at the hospital ER and saw the decedent face up on a hospital bed with medical therapy in place. I conducted a general visual examination of MOORE and saw no signs of trauma. He was moved to a gurney and into the Coroner's van for transportation to the Coroner's Bureau.



2

Alameda County Sheriff's Office
Gregory J. Ahern, Sheriff / Coroner
Coroner's Bureau, 480 4th Street, Oakland, CA
94607-3829
(510) 268-7300 / (510) 268-7333 (fax)

About 0440 hours, we returned to the Coroner's Bureau and processed the decedent into the morgue. I placed paper bags over the decedent's hands and secured them in place with zip ties. Intake photos were taken at this time. (KEE8410)

Body Identification:

The decedent was identified as Xavier MOORE based on a photograph located in the Consolidated Records Information Management System (CRIMS). The photo and general description matched the decedent. (KEE8410)

On Friday, February 15, 2013, I (BORDI) received a fax from the Central Identification Bureau (CIB) which stated the submitted fingerprints were compared to MOORE's associated personal file number (PFN) ATH177. CIB determined the fingerprints were a match. (EB1879)

Next of Kin Investigation:

The decedent was never married and had no children. His parents, [REDACTED] and Elysse PAIGE-MOORE, are his legal next of kin. (KEE8410)

Other Agency Reports:

Officer G. BROWN #16 of the Berkeley Police Department will be the primary investigator for this case with a report number of 13-8510. (KEE8410)

Property and Evidence:

The decedent and four vials of blood were collected and processed into the Coroner's Bureau. Receipt #33271 was issued. MOORE's property had been removed and secured in a plastic bag prior to my arrival at the hospital. I collected the property, one shirt, and secured it in evidence drying cabinet #3. (KEE8410)

Coroners Fees:

As of February 13, 2013, the Coroner's fees are for body preparation (\$67.00) and body removal (\$254.00) for a total of \$321.00.

I explained the roll of the Coroner's Bureau to MOORE's mother. (KEE8410)

Other Investigative Details/ Supplemental Information:

On February 13, 2013, Nurse R. MORENO called to report the death of MOORE. At that time MORENO had limited information, but he said MOORE was resisting arrest while being restrained when he became unresponsive. I contacted BPD dispatch and requested the officer assigned to the case contact the Coroner's Bureau. Officer G. BROWN contacted our office within minutes. Officer BROWN stated that BPD had been dispatched to MOORE's residence on a disturbance call. BPD attempted to place MOORE on a 72 hour psychiatric hold and he resisted. MOORE was restrained and became unresponsive. I asked Officer BROWN to fax a copy of her report to our office when it was complete.

According to the BPD police report, on February 12, 2013 officers were dispatched to MOORE's residence located at 2116 Allston Way in Berkeley. Officers arrived, on scene, about 2357 hours and contacted MOORE in the doorway of his residence. Officers attempted to detain MOORE for a psychiatric hold and MOORE resisted.



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3

On February 14, 2013, while performing an autopsy on MOORE, Dr. T. BEAVER, Chief Forensic Pathologist, and assisting staff located a broken glass pipe, commonly used for smoking methamphetamines and other illicit drugs, in MOORE's hair. The pipe was photographed and placed into evidence. (KEE8410)

Findings:

On April 15, 2013, I reviewed this case to determine a manner of death. Upon reviewing the Autopsy Protocol, case file, and other documents associated with this case, I find this death to be an accident. The autopsy protocol established by Dr. T. BEAVER indicated the cause of death as acute combined drug intoxication. Other significant conditions listed were morbid obesity and cardiomegaly. (KEE8410)

Supervisor Review:

On 04/23/13, I (Sgt. D. HARRIS) reviewed this case. I concur with the findings and approve this case for closure. (DH1113)

Case Name:

Moore,

Xaiver

C.

TOXICOLOGY NUMBER: CVT-13-3018

28 ml femoral blood labeled "Moore, Xavier; 02/14/2013; 2013-00538"

Specimen Description:

Delivered by Tricor

Date 15-Feb-13

Received by Bill Posey

Date 15-Feb-13

Request: Complete Drug Screen

Agency Case # 2013-00538

Requesting Agency

Alameda Co. Coroner's Office
Attn: Acct's Payable
480 4th Street
Oakland CA 94607

Report To

Alameda Co. Coroner's Office
Attn: Dr. Beaver
480 4th Street
Oakland CA 94607

Specimen: Femoral Blood Sample

RESULTS

Complete Drug Screen: Methamphetamine and Opiates detected. No other common acidic, neutral or basic drugs detected. No blood Ethyl Alcohol detected.

d-Methamphetamine = 0.74 mg/L

d-Amphetamine = 0.06 mg/L

Codeine = 0.34 mg/L

Morphine = Negative

Acetylmorphine = Negative

INTERFERED

Blood Methamphetamine Ranges

Effective Level: (0.01 - 0.05 mg/L)

Potentially Toxic: (0.2 - 5 mg/L)

Blood Codeine Ranges

Effective Level: (0.01-0.25 mg/L)

Potentially Toxic: (0.3-1 mg/L)

Blood Amphetamine Ranges

Effective Level: (0.02 - 0.15 mg/L)

Potentially Toxic: (0.2 mg/L)

B. L. Posey

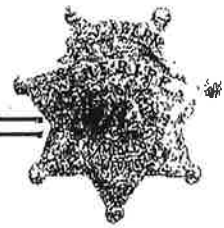
March 01, 2013

B.L. POSEY
S.N. KIMBLE
Directors

1580 Tollhouse Road
Clovis, California 93611
Phone (559) 323-9940
Fax (559) 323-7502

Alameda County Sheriff's Office

Coroner's Bureau
480 4th Street, Oakland, CA 94607-3829



Gregory J. Ahern, Sheriff

Director of Emergency Services
Coroner - Marshal

M E M O R A N D U M

DATE: February 14, 2013
FROM: Thomas R. Beaver, M.D.
TO: Case File 2013-00538
SUBJECT: AUTOPSY PROTOCOL

Autopsy performed upon the body of Xavier Christopher Moore at the Coroner's Bureau, 480 4th Street, Oakland, California, on February 14, 2013, at 9:40 a.m.

AUTOPSY FINDINGS

- I. ACUTE COMBINED DRUG INTOXICATION (SEE COMMENT):
 - A. HISTORY OF PHYSICAL ALTERCATION
 - B. POSTMORTEM TOXICOLOGICAL ANALYSIS OF LEG VEIN BLOOD REPORTS D-METHAMPHETAMINE = 0.74 MG/L, D-AMPHETAMINE = 0.06 MG/L, CODEINE 0.34 MG/L, MORPHINE = NEGATIVE, ACETYLMORPHINE = NEGATIVE, ETHYL ALCOHOL = NEGATIVE.
 - C. PULMONARY EDEMA, BILATERAL, ACUTE, MARKED.
- II. CARDIOMEGALY (800 GRAMS) WITH MODERATE LEFT VENTRICULAR DILATATION AND HYPERTROPHY:
 - A. INTRAMUSCULAR LEFT ANTERIOR DESCENDING CORONARY ARTERY.
- III. MORBID OBESITY, CHRONIC.

COMMENT: THE DECEDENT IS A 41-YEAR-OLD MORBIDLY OBESE MALE WITH SEQUELAE INVOLVING SEVERE CARDIOMEGALY, WITH LEFT VENTRICULAR DILATATION AND HYPERTROPHY, WHO BECAME UNRESPONSIVE DURING A WELFARE ENCOUNTER WITH LAW ENFORCEMENT PERSONNEL. POSTMORTEM TOXICOLOGICAL ANALYSIS OF LEG VEIN BLOOD DEMONSTRATED METHAMPHETAMINE AND CODEINE AT TOXIC LEVELS. THEREFORE, BASED ON THE INFORMATION AVAILABLE TO ME AT THIS TIME, IT IS MY OPINION THAT THE DEATH RESULTED FROM ACUTE COMBINED DRUG INTOXICATION WITH A CONTRIBUTION FROM MORBID OBESITY AND INTRINSIC CARDIOVASCULAR DISEASE.

Sheriff-Coroner
Alameda County

Body of XAVIER CHRISTOPHER MOORE

CAUSE OF DEATH: ACUTE COMBINED DRUG INTOXICATION.
Other conditions: MORBID OBESITY; CARDIOMEGALY.

cc: EMS
District Attorney
Investigations Bureau

Sheriff-Coroner
Alameda County

Body of XAVIER CHRISTOPHER MOORE

EXTERNAL EXAMINATION

1
2 The body is that of an unembalmed, well-developed, morbidly
3 obese male appearing approximately the reported age of 41 years.

4 The length is 70 inches. The weight is 347 pounds. Rigor
5 mortis is present in the muscles of the jaw and extremities.

6 Livor is present over dorsal aspect of the body where it
7 blanches sluggishly to palpation.

8 There is prominent creasing of the earlobes bilaterally.

9 Cosmetic earlobe piercing is present bilaterally. The ears are
10 otherwise unremarkable. The head appears normocephalic. The
11 scalp is covered by long (up to 40 cm), dark brown hair, which
12 contains braided hair extensions. The eyebrows are
13 unremarkable. There is no crepitus to palpation over the bridge
14 of the nose. The irides are brown. There is prominent arcus
15 senilis. The palpebral and bulbar conjunctivae are congested,
16 consistent with the pattern of livor. There is drying artifact
17 on the eyes anterior. Specifically absent are petechiae. The
18 palpebral and bulbar conjunctivae are otherwise unremarkable.
19 The external nares are unremarkable. The nasal septum is intact
20 and in the midline. The decedent's natural teeth are in good
21 repair. There are no chipped teeth. There are no broken teeth.
22 There is no evidence of trauma to the mucosal surfaces of the

Sheriff-Coroner
Alameda County

Body of XAVIER CHRISTOPHER MOORE

23 oral cavity. The neck is symmetrical and well developed. The
24 trachea is palpated in the midline. There are no palpable
25 masses.

26 The chest is symmetrical and well developed. There is
27 prominent gynecomastia bilaterally. The abdomen is markedly
28 protuberant, firm and free of palpable masses. There are
29 numerous striae over the abdomen. The external genitalia are
30 normal adult uncircumcised male with both testes palpable in the
31 scrotal sac. There are no palpable masses. There is no
32 evidence of trauma to the external genitalia.

33 The lower extremities are symmetrical and well developed.

34 Attached to the left great toe are two cardboard
35 identification tags bearing identifying information for the
36 decedent.

37 The upper extremities are symmetrical and well developed.
38 The fingernails are of medium length and irregularly trimmed.
39 There is a moderate amount of dirt beneath the fingernails.
40 There is no tissue or hair beneath the fingernails. There is no
41 tearing of the fingernails. Nail clippings are obtained.

42 The back is symmetrical and well developed. There is no
43 evidence of trauma to the anus.

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Alameda County

Body of XAVIER CHRISTOPHER MOORE

44 EVIDENCE OF THERAPY: Protruding from the oral cavity is an
45 endotracheal tube. Cardiac monitoring patches (six) are
46 scattered over the torso and upper extremities. Defibrillator
47 electrode pads (two) are adherent to the right anterior chest
48 and left lateral chest. There is also a defibrillator pad
49 adherent to the left lower quadrant of the abdomen. Protruding
50 from the anterior aspect of the right lower leg is an
51 intraosseous catheter. Present on the left lower leg is a gauze
52 dressing that covers an intraosseous catheter. Protruding from
53 the dorsum of the right hand is a plastic vascular catheter.
54 Present on the dorsum of the left hand is a needle puncture mark
55 surrounded by a 3 x 3 cm area of apparent contusion. Attached
56 to the distal aspect of the left middle finger is a pulse
57 oximeter transducer. There is no other cutaneous evidence of
58 recent therapeutic intervention.

59 SCARS AND IDENTIFYING MARKS: Present on the right upper
60 quadrant of the abdomen is an indistinct irregularly shaped area
61 of hyperpigmentation containing multiple irregularly shaped,
62 variably sized scattered cutaneous defects in various stages of
63 healing. Some of these are crusted and centrally hypopigmented.
64 Similarly, present in the right inguinal area and extending onto
65 the right lateral hip are multiple scattered irregularly shaped,

Sheriff-Coroner
Alameda County

Body of XAVIER CHRISTOPHER MOORE

66 variably sized cutaneous excoriations which are crusted. There
67 are numerous striae in the areas of the shoulders and thighs,
68 and axillary areas bilaterally. Present on the posterior aspect
69 of the right upper arm is a 4 x 4 cm roughly circular scar.
70 Present on the extensor aspect of the right forearm is a 5 x 5
71 cm irregularly shaped area of cutaneous scarring. There are no
72 other convincing scars or identifying marks.

73 EVIDENCE OF INJURY: Present on the wrists bilaterally are
74 circumferential areas of abrasion and contusion. Photographs
75 are obtained and subcutaneous dissection is undertaken. Present
76 on the right posterior lower leg is a 3 x 5 cm area containing
77 contusions and abrasions. Photographs are obtained. There is
78 no other cutaneous evidence of recent significant injury. There
79 are no palpable fractures of the long bones of the lower
80 extremities. There are no palpable fractures of the long bones
81 of the upper extremities.

82 INTERNAL EXAMINATION

83 Through the usual Y-SHAPED INCISION, 10 cm of yellow
84 subcutaneous adipose tissue and soft, red-brown musculature are
85 revealed. The appendix vermiformis is intact and grossly
86 unremarkable. The pericardial sac contains 20 mL of pale

Sheriff-Coroner
Alameda County

Body of XAVIER CHRISTOPHER MOORE

87 yellow, clear fluid. There are no unusual odors. There are no
88 rib fractures.

89 CARDIOVASCULAR SYSTEM: The aorta is moderately dilated at
90 its root. The aorta is otherwise of normal course and caliber.
91 There are no atheromas or aneurysms present. The great vessels
92 have their usual anatomical relationships. The pulmonary
93 arteries appear patent and free of thromboemboli. The pulmonary
94 veins are grossly unremarkable. The vena cava is grossly
95 unremarkable. The heart weighs 800 grams. The epicardial
96 surface is smooth, glistening and red-brown with an abundant
97 amount of yellow subepicardial adipose tissue. The coronary
98 ostia are patent and give rise to a normally distributed
99 coronary arterial system, which is right dominant. The left
100 anterior descending coronary artery assumes an intramuscular
101 course during the distal two-thirds of its distribution. The
102 coronary arteries are thin, elastic, and free of
103 atherosclerosis. Serial sections through the myocardium are
104 firm and red-brown with no areas of softening or fibrosis.
105 There is circumferentially symmetrical left ventricular
106 hypertrophy with moderate dilatation. The left ventricular
107 myocardium measures 2.9 cm in thickness. The right ventricular
108 myocardium measures 0.5 cm in thickness. The cardiac valves and

Sheriff-Coroner
Alameda County

Body of XAVIER CHRISTOPHER MOORE

109 chambers have their usual anatomical relationships. The valve
110 leaflets are thin and delicate, without vegetations. Sections
111 through the area of the conduction system are grossly
112 unremarkable.

113 RESPIRATORY TRACT: The patient has an endotracheal tube.
114 The trachea and mainstem bronchi are otherwise free of foreign
115 material. The mucosal surfaces of the trachea and mainstem
116 bronchi are grossly unremarkable. The right lung weighs 1060
117 grams. The left lung weighs 650 grams. The pleural surfaces
118 are smooth, glistening and pink-tan to red-brown. Serial
119 sections are spongy and pink-tan to red-brown with areas of
120 dependent congestion. There are no masses. Abundant frothy
121 liquid material exudes from the cut surfaces bilaterally.
122 Emphysematous changes are inconspicuous.

123 GASTROINTESTINAL TRACT: The esophagus is of normal course
124 and caliber. The serosal surface of the esophagus is grossly
125 unremarkable. The esophagus is free of foreign material. The
126 mucosal surface of the esophagus is grossly unremarkable. The
127 serosal surface of the stomach is grossly unremarkable. The
128 stomach contains 300 mL of viscous dark green-brown material, a
129 portion of which is retained. Medications are not identified.
130 The mucosal surface of the stomach is grossly unremarkable. The

Sheriff-Coroner
Alameda County

Body of XAVIER CHRISTOPHER MOORE

131 serosal surface of the small bowel is grossly unremarkable. The
132 small bowel contains a moderate amount of yellow-green liquid
133 material. Medications are not appreciated. The mucosal surface
134 of the small bowel is grossly unremarkable. The serosal surface
135 of the colon is grossly unremarkable. The colon contains a
136 moderate amount of pasty green-brown fecal material. The
137 mucosal surface of the colon is grossly unremarkable.

138 HEPATOBILIARY TRACT: The liver weighs 2900 grams. The
139 smooth, glistening, red-brown capsular surface is intact.
140 Serial sections are firm and red-brown with preservation of
141 normal hepatic lobular architecture. Steatosis is not apparent.
142 Fibrosis is inconspicuous. Mass lesions are not identified.
143 The gallbladder is intact and contains 40 mL of viscous, dark
144 green liquid bile, a portion of which is retained. Stones are
145 not identified. The biliary tract appears free of obstruction.

146 HEMATOPOIETIC SYSTEM: The spleen weighs 230 grams. The
147 slate gray connective tissue capsule is intact and slightly
148 wrinkled. Serial sections are soft to gelatinous and red-brown.
149 There are no mass lesions. The lymph nodes and bone marrow are
150 grossly unremarkable.

151 ENDOCRINE SYSTEM: The right and left adrenal glands are of
152 normal size, shape and position. On cut section the cortices

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Body of XAVIER CHRISTOPHER MOORE

153 are yellow and the medullae are soft and gray. There are no
154 hemorrhages or mass lesions. The pancreas is of normal size,
155 shape and position. The surface of the pancreas is grossly
156 unremarkable. Serial sections demonstrate preservation of the
157 normal pancreatic lobular architecture. There are no calcifica-
158 tions or hemorrhages. The thyroid gland is of normal size,
159 shape and position. The serosal surfaces and cut sections are
160 grossly unremarkable. The pituitary is of normal size, shape
161 and position.

162 GENITOURINARY TRACT: The right and left kidneys weigh 250
163 and 250 grams each, respectively. The capsules strip with ease
164 to reveal smooth, dark red-brown cortical surfaces punctuated by
165 occasional fetal lobulations. There are no cortical cysts. On
166 cut section the cortices and medullae are well demarcated in
167 their respective zones. There are no mass lesions. The renal
168 pyramids are grossly unremarkable. The caliceal systems are
169 grossly unremarkable. Stones are not identified. The ureters
170 are of uniform course and caliber. The serosal surface of the
171 urinary bladder is grossly unremarkable. The urinary bladder
172 contains no appreciable urine. Bladder washings are obtained.
173 The prostate gland is of normal size, shape and position.
174 The prostate gland is otherwise unremarkable. The testicles are

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Alameda County

Body of XAVIER CHRISTOPHER MOORE

175 of normal size, shape and position. A biopsy is obtained.

176 There is no evidence of trauma.

177 HEAD: Reflecting the scalp demonstrates no abnormal
178 collections of extravasated blood within the soft tissues of the
179 scalp or over the surface of the bony calvarium. Reflecting the
180 temporalis muscles bilaterally demonstrates no abnormal
181 collections of extravasated blood. Reflecting the bony
182 calvarium demonstrates no epidural, subdural or subarachnoid
183 collections of extravasated blood. Skull fractures are not
184 identified. Discolorations of the bony calvarium are not
185 apparent. The superior sagittal sinus and all venous dural
186 sinuses appear patent and free of thromboemboli. The brain in
187 the fresh state weighs 1550 grams. From the vertex, the
188 cerebral hemispheres are symmetrical, without significant
189 atrophy or edema. The leptomeninges over the surface of the
190 brain and around the base of the brain are thin, clear and
191 delicate. Purulent exudates are not appreciated. There is no
192 herniation of the hippocampal unci or cerebellar tonsils. The
193 circle of Willis has its usual anatomical relationships. There
194 are no atheromas or aneurysms present. Serial coronal sections
195 of the cerebral hemispheres demonstrate no gross abnormality of
196 the gray and white matter. Mass lesions are not identified.

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197 Hemorrhages are not present. Serial sagittal sections of the
198 cerebellum demonstrate preservation of the normal cerebellar
199 architecture. There is no gross abnormality of the gray and
200 white matter. Serial transverse sections of the brainstem and
201 midbrain demonstrate preservation of the normal architecture.
202 There are no gross abnormalities of the gray and white matter.
203 Mass lesions are not identified. Hemorrhages are not present.
204 Stripping the dura from the base of the skull demonstrates no
205 basilar skull fractures or bony deformities. Examination of the
206 superior cervical spinal canal upon flexion, extension and
207 rotation of the head demonstrates no fractures or subluxations.
208 NECK: The hyoid bone and thyroid cartilage are intact.
209 There are no abnormal collections of extravasated blood over the
210 surface of the hyoid bone or thyroid cartilage. Laminar
211 dissection of the strap muscles of the neck demonstrates no
212 abnormal collections of extravasated blood. The cricoid
213 cartilage is intact and grossly unremarkable. The larynx and
214 hypopharynx are free of foreign material. The mucosal surfaces
215 of the larynx are grossly unremarkable. The epiglottis and
216 vocal cords are grossly unremarkable.
217 The tongue is of normal size, shape and position. The
218 surface of the tongue is grossly unremarkable. Sections

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219 demonstrate no abnormal collections of extravasated blood and
220 are otherwise unremarkable.

221 TOXICOLOGY SPECIMENS:

222 Leg vein blood is collected and submitted for toxicological
223 analysis.

224 Heart blood is collected and retained.

225 Vitreous is collected and retained.

226 Bile is collected and retained.

227 Gastric contents are collected and retained.

228 Bladder washing is collected and retained.

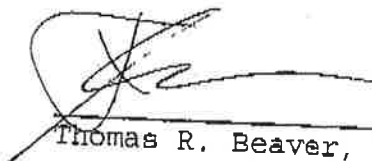
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Thomas R. Beaver, M.D.

Berkeley Police Department

10

NO. 2013-8510

Statement of: John HayesAddress: 2116 Allston Way #514Phone: [REDACTED]

My name is John Hayes and I live at 2116 Allston Way Apt #514 with my room mate Xavier. Xavier and I have known each other for about 15 or more years. Xavier has used many drugs on a regular basis since I have known him. He mostly uses crack and meth and drinks alcohol almost every day to get drunk.

Today when I got home at around 5 or 6 PM Xavier was high on speed and drunk. When he's high and drunk he becomes mean and wants to fight. He asked me for money to get more speed and alcohol and I told him to ~~go~~^{go} ask someone else and to leave me alone. Xavier got really angry and wouldn't leave me alone. We began arguing and because I know I have a temper I tried to ignore Xavier. Xavier then told me to just get out.

I called the police and they took me upstairs where the officers spoke with me and Xavier. Xavier was acting "Ziggity Boom" like a mother fucker. That means he was acting like he does when he is really high. Xavier told me he was going to fuck me up earlier. I thought that he was going to attack me and that's why I left. Xavier has had a history of being angry and stabbed someone in San Francisco a few years ago.

This is a true and accurate statement as told to OFC B. Smith #3

Witnessed:  #3Date and Time: 2-13-13/0141Signed: 

Berkeley Police Department

10/18/64

NO. 2013-8526

Statement of: [REDACTED]

Address: [REDACTED]

Phone: NO PHONE
[REDACTED]

TODAY, 2/12/13, AT ABOUT 10:30-11PM I ARRIVED AT XAVIAR'S APARTMENT WITH XAVIAR'S BOYFRIEND JOHN HAYES. WE WERE INSIDE XAVIAR'S APARTMENT AND I WAS TRYING TO MAKE XAVIAR SOME FOOD. XAVIAR'S DEMONSTRATION APPEARED AGGITATED AND UPSET. HE WAS PACING AROUND AND IN THE MIDDLE OF SMOKING WEED AND DRINKING ALCOHOL. XAVIAR WASN'T ACTING LIKE HIMSELF AND I ASKED JOHN IF XAVIAR HAD BEEN TAKING HIS PRESCRIPTION MEDICATIONS AND JOHN SAID HE HADN'T FOR A WHILE. WHEN I WAS TALKING TO XAVIAR HE WASN'T MAKING SENSE. ANGEL^{XAVIAR'S GIRL} AND XAVIAR WERE ARGUING ABOUT METH. XAVIAR TOLD ANGEL "IF YOU DON'T HAVE ANYMORE DRUGS, YOU CAN GET OUT". THEY CONTINUED ARGUING AND XAVIAR PICKED UP A CHAIR AND THREW IT AT ANGEL, BUT IT DIDN'T HIT HER. XAVIAR WAS UPSET BECAUSE HE THOUGHT THAT ANGEL HAD DRUGS AND WAS HOLDING OUT ON HIM. ANGEL LEFT AND THEN IT WAS JUST ME, JOHN AND XAVIAR. 5 MINUTES LATER XAVIAR TOLD JOHN "YOU CAN LEAVE TOO", SO HE DID WITHOUT A FUSS. I CONTINUED CLEANING AND XAVIAR KEPT PACING AROUND AND ACTING STRANGE. WHEN HE WAS TALKING TO ME HE WAS OUT OF BREATH AND HAVING DIFFICULTY BREATHING. I TRIED TO TALK TO XAVIAR AND I ASKED HIM IF I COULD HELP WITH SOMETHING OR TALK TO HIM ABOUT WHAT WAS GOING ON WITH HIM. THE POLICE SHOWED UP A FEW MINUTES LATER AND SPOKE TO XAVIAR IN THE DOORWAY WHILE I WAS STILL INSIDE. AT ONE POINT XAVIAR WAS TELLING THE OFFICERS JIBBERISH ABOUT THE GOVERNMENT AND NOT FEELING SAFE. I COULDN'T UNDERSTAND WHAT XAVIAR WAS TALKING ABOUT BECAUSE HE WASN'T MAKING^{ANY} SENSE.

Witnessed:

[Signature] OR. KASTMILGA #104

Date and Time:

2/13/13 0159

Signed:

[Signature]

E28811

Berkeley Police Department

NO. 2013-8510

Statement of: _____

Address: _____

Phone: NO PHONE

I'VE NEVER SEEN XAVIER ACT LIKE THAT OR TALK LIKE THAT BEFORE. I KNEW THERE WAS SOMETHING SERIOUSLY WRONG WITH HIM TODAY.

AT ONE POINT XAVIER AND THE OFFICERS STARTED TO SCUFFLE. I'M NOT SURE HOW IT HAPPEND BECAUSE I WAS INSIDE AND COULDN'T HEAR THE WHOLE CONVERSATION BECAUSE OF THE RADIO AND TV. THE SCUFFLE STARTED OUTSIDE THE DOORWAY AND THEN CONTINUED INSIDE THE APARTMENT. XAVIER WASN'T BEING COOPERATIVE WITH THE POLICE AT ALL. THE OFFICERS KEPT TELLING XAVIER TO "STOP RESISTING" BUT HE WOULDN'T. HE KEPT RESISTING AND SPRAKING JIBBERISH. OFC. BROWN TOLD ME TO WAIT OUTSIDE, SO I LEFT THE APARTMENT QUICKLY AND WAITED OUTSIDE. I WAS WORRIED THAT XAVIER WAS GOING TO FREAK OUT AND ATTACK ME TOO AS I WAS TRYING TO GET OUT. XAVIER WAS RUNNING AWAY FROM THE OFFICERS LIKE A RAGING BULL, I HAD TO DUCK OUT OF XAVIER'S WAY TO AVOID GETTING TRAMPLED.

I WAITED OUTSIDE THE APARTMENT NEAR THE ELEVATOR WHILE MORE OFFICERS SHOWED UP. I DIDN'T GO BACK INSIDE THE APARTMENT WHILE XAVIER WAS THERE.

I'VE KNOWN XAVIER AND HIS BOYFRIEND JOHN FOR ABOUT 23 YEARS. I KNOW THAT XAVIER USED TO USE CRACK COCAINE BUT I THINK HE RECENTLY STOPPED. NOW HE USES METH, WEED AND ALCOHOL REGULARLY. I RECENTLY ACCEPTED A PART TIME JOB AS XAVIER'S CARETAKER AND I HAD BEEN OVER TO THE APARTMENT FOR ABOUT 3 DAYS AS CARETAKER. TODAY WE WERE SUPPOSED TO SIGN THE FINALIZED PAPERS AND LOOK IN TO A LARGER APARTMENT. THIS IS A TRUE AND CORRECT STATEMENT AS TOLD TO OFC. KASTMILER #104

Witnessed: OF. KASTMILER #104Date and Time: 2/13/13 0159Signed: [Signature]



INTERVIEW WITH OFC. GWENDOLYN BROWN

Q=Sgt. Hong

Q1=Ofc. Jesse Grant

Q2=Harry Stern

A=Ofc. Gwendolyn Brown

Q: It's, uh – February 14, 1817 hours. Interview with Officer (Gwen) Brown, case number 13-08510. My name is Sergeant Hong, H-O-N-G.

Q1: Officer Jesse Grant, J-E-S-S-E G-R-A-N-T.

Q2: I'm Harry Stern, and that's spelled, uh, H-A-R-R-Y S-T-E-R-N.

A: Officer Gwendolyn Brown, G-W-E-N-D-O-L-Y-N Brown, B-R-O-W-N.

Q: So, Officer Brown, could you state your rank and badge number?

A: Police officer badge number 16.

Q: Okay. What was the date of your hire with BPD?

A: Seven-one-1991.

Q: Do you have any prior law enforcement experience?

A: Yes.

Q: And, uh, with who and length of experience – length of service?

A: Um, Richmond PD, approximately two years.

Q: Uh – which patrol operations team do you work?

A: Patrol.

Q: Uh, which team?

A: Team three.

46
47 Q: What are the normal days worked and normal hours worked? For team three?
48
49 A: Monday through Thursday, uh, the shift starts at – 1530, ends at 0130.
50
51 Q: What area or beat were you assigned to?
52
53 A: Beat four.
54
55 Q: Okay. And, uh, when I say specifically at a particular shift, what we're
56 referrin' to is the date of incident, which gonna be February 12, Tuesday, and
57 it occurred sometime, uh, just before midnight, and what – we're gonna be
58 referring to that shift. Okay, Tuesday the 12th, actually. So on, uh, Tuesday
59 the 12th, uh, which beat were you working?
60
61 A: Beat four.
62
63 Q: Thank you. And, uh, who were your supervisors during that shift?
64
65 A: Officer, uh, (Cardoza) – and, uh – I'm sorry, Sergeant (Cardoza) and Sergeant
66 (Ross).
67
68 Q: (Ross). Are they your normal supervisors?
69
70 A: Yes.
71
72 Q: When was the last shift you worked prior to Tuesday evening's shift?
73
74 A: Uh, the Monday shift.
75
76 Q: Got it. All right, and it was the same time frame?
77
78 A: Yes.
79
80 Q: Do you hold any secondary employment?
81
82 A: No.
83
84 Q: Uh, did you work any overtime, uh, prior to Tuesday's shift?
85
86 A: No.
87
88 Q: Have you taken any medication? In recent times?
89
90 A: No.

91
92 Q: Ask it anyways, have you consumed any alcohol in the past 24 hours?
93
94 A: No.
95
96 Q: Do you have any medical conditions?
97
98 A: No. Just prior to Tuesday's shift, when was the last time you slept? And how
99 long, and between what hours, if you can recall?
100
101 A: Okay, it would have been at Tuesday morning, when I got off. Probably went
102 to bed about 3:30 am, and – woke up probably about 9:00 am.
103
104 Q: Okay. Did you sustain any injuries during the incident
105
106 A: I believe I hyperextended my left thumb, my right forearm is still a little
107 swollen, and my left shoulder I'm sorry, right shoulder – is still sore.
108
109 Q: Okay. Do you wear any corrective eye glasses or contact lenses?
110
111 A: No.
112
113 Q: Now starting at the, uh, front belt buckle, going clockwise, can you describe
114 what duty gear is on your duty belt?
115
116 A: I have a keeper, a flashlight, uh – I believe my gun, another keeper –
117 handcuffs, another keeper, another keeper – um, my – a second flashlight –
118 the, uh, baton. I believe a keeper, then two, uh – my, um, ammo pouch.
119
120 Q: Okay.
121
122 A: And my handcuff case.
123
124 Q: Okay.
125
126 A: I think I put that on there.
127
128 Q: Did your duty belt or duty gear sustain any damage?
129
130 A: No.
131
132 Q: What vehicle make and model were you driving during Tuesday's shift?
133
134 A: Uh, vehicle 1701, it's black and white marked unit, uh, Crown Victoria.
135

136 Q: Okay. And what kind of markings and emergency equipment is on this
137 vehicle?
138

139 A: Uh, emergency overhead lights, uh, there are, um – markings on the door, the
140 BPD emblems on – the passenger as well as the driver's door. And there's a
141 Berkeley Police printed on the back of the trunk lid.
142

143 Q: Okay. Do you normally drive this particular vehicle?
144

145 A: For the last two weeks, yes.
146

147 Q: Are you a single officer car or a paired officer car?
148

149 A: Single.
150

151 Q: The incident – when we refer to it as the incident, it's regarding, uh, the
152 incident that occurred on, uh, Tuesday, the – February 12, time of report being
153 2349 hours. Incident location is 2116 Allston Way, apartment 514, in the city
154 of Berkeley, and the, uh, involved person of interest is Mr. (Xavier) Moore.
155 Okay, so when I refer to Mr. Moore, I mean Mr. (Xavier) Moore. And he's
156 the person that was – is deceased. Okay?
157

158 A: Yes.
159

160 Q: All right, um – you have completed a – you – a preliminary, uh, police report
161 for this incident, is that correct?
162

163 A: Yes.
164

165 Q: Okay. And I'm holding it in my hand. It is complete, correct?
166

167 A: Yes.
168

169 Q: Okay. Good. All right, so – we're gonna – start talking more in detail about
170 the, um – about what happened before the incident, during the incident, and
171 what happened after the incident. So if you can, uh, tell us, um – um – you
172 heard a radio broadcast regarding a call for service? Is that correct?
173

174 A: I was (unintelligible)..
175

176 Q: Regarding this incident?
177

178 A: Yes.
179

180 Q: Okay. Could you describe that radio broadcast and what information you
181 learned from that broadcast?
182

183 A: I believe it – it came out as a 415. Between, uh, roommates.
184

185 Q: Any call details regarding this dispute or 415?
186

187 A: Well, I – I check my NDT, um, uh, something (unintelligible) referrin' to the
188 roommate was schizophrenic, off his meds, and had – kicked the roommate
189 out, I believe.
190

191 Q: Okay. And, uh, this, uh, incident occurred on your beat?
192

193 A: Yes.
194

195 Q: Okay. And you responded to this, uh, broadcast or assignment?
196

197 A: Yes.
198

199 Q: Do you recall who else was assigned this, uh, uh, broad- who else was
200 assigned this, uh, particular call along with you?
201

202 A: I believe Officer Smith was assigned as the cover officer.
203

204 Q: Okay.
205

206 A: And Officer Tu attached himself to the call.
207

208 Q: All right. So you arrived at the location?
209

210 A: Yes.
211

212 Q: When you first arrived, what were your observations? Initial observations?
213

214 A: Uh, the RP, who was supposed to be waiting outside, was not outside.
215

216 Q: Okay. Um – what did you do – what did you do?
217

218 A: Well, um, Officer Tu – Officer Tu pulled up right behind me. Um...
219

220 Q: Okay.
221

222 A: I punched in the, uh, number, the apartment number, but didn't get, uh, any
223 response. I – contacted, uh, control and asked that they call the RP and have
224 them let us in.

225
226 Q: Okay. At what point did Officer Smith arrive?
227
228 A: I believe he arrived right after, uh, the RP, Mr. Hayes, who walked up.
229
230 Q: Okay. So you asked for radio to, uh, recontact Mr. Hayes, as you say?
231
232 A: Yes.
233
234 Q: H-A-Y-E-S, who was the reporting party, and eventually, you made contact
235 with him.
236
237 A: Yes.
238
239 Q: And was that in the street or in the apartment or in the complex?
240
241 A: Right out in front of the complex.
242
243 Q: Okay. And so did – do you have a opportunity to speak with Mr. Hayes?
244
245 A: Yes.
246
247 Q: And could you recall what Mr. Hayes told you at that time?
248
249 A: Uh, he said that he was the one that called and that, um – his roommate had
250 kicked him out, and that he was schizophrenic, off his meds, and he needed to
251 be, uh, 5150.
252
253 Q: Did Mr. Hayes use that term, 5150?
254
255 A: Yes.
256
257 Q: Got it. Okay. Anything – any further information that – you can recall? That
258 he told you?
259
260 A: That – well, I asked why did he, um, kick him out? First I asked was he, uh, a
261 tenant there.
262
263 Q: Mm-hm.
264
265 A: And he said he was, I asked was his name on the lease? He said yes. And I
266 said, "Well, why would your roommate kick you out?" He says, "Well, he's
267 been drinking and doing drugs all day. And he wanted money to get more
268 drugs and I told him I didn't have any money, and we argued, and he told me
269 to get out."

270
271 Q: Got it. So eventually, um, uh, he led you to the apartment? Mr. Hayes?
272
273 A: Yes.
274
275 Q: Okay. And you went up to the apartment on the stairs or the elevator?
276
277 A: Elevator.
278
279 Q: Okay. And it was apartment 514, correct?
280
281 A: Yes.
282
283 Q: Okay. So, um – and the f- and you, Officer Smith, and Officer, uh, Tu, uh, Tu
284 is T-U, uh, you guys went up together?
285
286 A: Yes.
287
288 Q: Okay. So when you reached the apartment, was the door open or door closed?
289
290 A: Closed.
291
292 Q: Okay. Um, could you describe the – your surroundings just outside the
293 apartment? Briefly?
294
295 A: Uh, this is a large, um, multi-apartment complex. Um, we were on the fifth
296 floor. And it – it's sorta designed in – like a rectangle shape, and there's a
297 banister all the way around the, um, the floor. And the apartments are –
298 there's a – I guess average walkway around the entire, uh, square or rectangle
299 with, um, banisters. Um, there's an open – plaza-like area at the – the bottom.
300 That's about...
301
302 Q: Okay. And is the, uh, door to apartment 514 more on which, uh, side of the
303 building? North, east, west, or south?
304
305 A: More on the north.
306
307 Q: North side. Okay. So you reached the apartment door, again, I'm sorry, was
308 the door closed or open?
309
310 A: Closed.
311
312 Q: Okay. So what happened – immediately when you arrived at the door?
313

314 A: We, uh, um, I asked, uh, Mr. Hayes did he have the keys? He said he did. He
315 unlocked the, uh, door, opened it, and I asked him to step to the side. And at
316 that point, I called in to, uh, Mr. (Xavier).

317
318 Q: Okay. So, uh, Mr. Hayes unlocked the door and he opened it for you...

319
320 A: Mm-hm.

321
322 Q: ... and through the open door, you called out to Mr. Moore. (Xavier) Moore.

323
324 A: Yes.

325
326 Q: Were – at – were you able to see him when the door immediately opened? Or
327 he was – not visible?

328
329 A: He was not visible.

330
331 Q: Okay. When you say you called out, what did you say? Uh, if you can recall?

332
333 A: I – I believe I said, um, "(Xavier)?" And this person came to the door and
334 opened it.

335
336 Q: Okay. Uh – now could you describe (Xavier) for me.

337
338 A: Was, uh – I – initially thought it was not (Xavier), because I was expecting to
339 see a man. Uh, this was a fair-skinned, uh, probably about five – seven, five
340 eight, heavy-set woman, or looked to be a woman, had, uh, gray extensions all
341 the way down the back. Was in a, uh, sort of like a tube top animal print and a
342 wrap-around skirt that was also animal print.

343
344 Q: Mm-hm. Okay. Um – did he have make-up on or anything?

345
346 A: I don't recall any make-up.

347
348 Q: Did he have shoes on? Do you recall?

349
350 A: I don't believe he had shoes on.

351
352 Q: Okay. And when he – from now he's met you at the door. You said that he
353 opened the door a little bit further?

354
355 A: Yes.

356
357 Q: Okay. Um – okay, now what kind of conversation did you have with him?

358

359 A: I told him we were there because his roommate called and said he was thrown
360 out, and I said, "You wanna tell me what's going on?" And he's standing at
361 the door, and he started talking about things about the FBI and, uh, he didn't
362 feel safe, and – and I was, "Well, why don't you feel safe?" "Well, you – you
363 know how the FBI is, and they're – they're following me." And then he – he
364 start callin' me different names, like Gail and Carol and it was one other name,
365 I believe Wanda, and – I told him I wasn't – either of those people, and he was
366 sayin', "Well, I see them right behind you." And then he started talkin' about
367 dinosaurs – so – I kept tryin' to bring him back to the conversation as to why,
368 um, we were there, and – and I said, "Why – why – why would you kick your
369 roommate out?" "Oh, he's fin' stupid," and I think he – at one point – or he –
370 at one point called him Crunchy. And said, "Okay, Crunchy, are you gonna
371 act right?" And, and I said, "Who's Crunchy?" And he pointed over to Mr.
372 Hayes. And then he started talkin' about the FBI again. And...

373
374 Q: Okay. So – uh, if I may interject, so Mr. Moore, who's at the door, is talkin'
375 about the FBI, not feeling safe, being followed, calling you different names as
376 though he recognizes you...

377
378 A: Mm-hm.

379
380 Q: ... dinosaurs, et cetera. Was – while he was saying these things to you, and
381 while – while you were tryin' to bring him back on track, was he at that point
382 calm? Or was he animated, was he agitated, can you describe his demeanor?

383
384 A: Very, um, theatrical? Because he had his hands in the doorway, kinda like
385 this, and he's – he's just like – kept doing like this, and – you know...

386
387 Q: Sauntering? I don't know, explain this.

388
389 A: Pretty much, you know, and...

390
391 Q: Okay. Yeah.

392
393 A: ... kept throwing his braids back and...

394
395 Q: Okay. Theatrical. Okay, okay. And he was able to see Mr. Hayes, 'cause he
396 called him Crunchy, um...

397
398 A: Yes.

399
400 Q: Okay. All right. So the conversation continues in this fashion?

401
402 A: Yes.

403

404 Q: Okay. What is Officer Tu and Officer Smith doing at this point?

405
406 A: Officer Tu is standing, um – standing by, um, Officer Smith is – taking down
407 Mr. Hayes' information and pointing him – um – at – at one point, he
408 informed me that he had an outstanding warrant. I believe it was \$5,000. And
409 asked if I wanted it confirmed, and I said yes. And he said it will probably
410 take a little while, because it was a manual warrant, and San Francisco would
411 have to – activate it manually, something to that effect. So once it was
412 confirmed, you know, I told him, "Okay, you can take him down – on down to
413 the station."

414
415 Q: Okay. So you're talkin' about Officer – Officer (Brandon) Smith, who ran a
416 reference check using his police radio, is that correct?

417
418 A: Yes.

419
420 Q: And on Mr. Hayes?

421
422 A: Yes.

423
424 Q: Okay. Uh – uh, and – and Officer Smith found that Mr. Hayes had a \$5,000
425 warrant and that eventually it got confirmed, and you instructed Officer Smith
426 that you wanted Mr. Hayes arrested for the warrant? Is that correct?

427
428 A: Yes.

429
430 Q: Okay. Um – and, uh, did Officer Smith run any inquiries on Mr. Moore at this
431 point? Or...

432
433 A: He actually, um, did a check – prior to going upstairs.

434
435 Q: Mmm.

436
437 A: Uh, he went back to his car. When – when Mr. Smith – I'm sorry. Officer
438 Smith arrived, he asked, um, what was the name of the person we were going
439 to contact, he said, "Is his name (Xavier) s- (Xavier) Moore?" And I said,
440 "Yes." He said, "Well, he has a \$10,000 warrant out of San Francisco." I
441 said, "Well, this particular individual just moved from San Francisco." And
442 he said, "Let me go back to my car, just to make sure." He went back to the
443 car, did something on the NDT, he came back, and we just – we all went
444 upstairs.

445
446 Q: Okay. At this point, in your mindset, while you're on the landing with Mr.
447 Moore, you're thinking this gentleman, Mr. Moore, has the warrant for his
448 arrest.

449
450 A: Yes.
451
452 Q: Is that your mindset? Okay. Um, so after, uh, Mr. Hayes' warrant was
453 confirmed, did – uh, did Mr. – did Officer Smith leave with Hayes?
454
455 A: Yes.
456
457 Q: Okay. And while Officer Smith left with Hayes down the elevator out the
458 building, you were still on the landing speaking with Mr. Moore along with
459 Officer (Ken) Tu. Correct?
460
461 A: Yes.
462
463 Q: Okay. So now Officer Smith is now gone with Mr. Hayes, now can you – can
464 you now tell us the story about – tell us exactly what's now happening from
465 there – that point forward?
466
467 A: Uh, I'm still tacking with Mr. Moore, and – he's – he's becoming a little more
468 theatrical, and talking about the FBI, and continuing to call me other names...
469
470 Q: Mm-hm.
471
472 A: ... of other people.
473
474 Q: Mm-hm.
475
476 A: And I – at that point, I – looked at Officer Tu to let him know, um – we're
477 going to take this person in. You know, and, um – so he moved over to him,
478 and I said, "Well, Mr. Moore, you have a warrant, and we need to go take care
479 of this." And he says, "No, I don't have a warrant." And, uh, I said, "Well,
480 yeah, you do, and we need to go down to the station and get it cleared up, and
481 – " "Well, I need to go inside and call the FBI to get this cleared up.
482
483 Q: Hmm.
484
485 A: I said, "Well, you can use the phone down at the station, but we need to go –
486 we need to take care of this." And he was like, "No, I'm gonna use the phone
487 here." And I said, "We really need to go, and – and let's go on down and just
488 get this cleared up." And at that point, I looked at Officer Tu, and he took,
489 um, one of Mr. Moore's hands, and I took the other, and he just – exploded.
490 Start – grabbed his hands back like this, and – I believe Officer Tu had two
491 hands on him.
492
493 Q: Mm-hm.

494
495 A: And I had one hand, and he literally just pulled us forward. And we both still
496 hangin' on, and he literally drug us into the apartment, and we fell on a
497 mattress that was on the floor.
498
499 Q: Mm-hm.
500
501 A: And we're still trying to -- to, um, restrain him. I was able to get my cuffs out,
502 and Officer Tu had one hand, and I was able to get one cuff on him, but, um,
503 Mr. Moore buried his -- his second arm up under him, and we're struggling
504 trying to get -- his arm, and telling him, "Stop resisting, stop resisting." At this
505 -- at this point, he's pulling up like this, and when you get up like this, I looked
506 up, and there was a gentleman sitting in a chair. Just sitting there, looking out
507 -- and I said, "Get out," and I -- because I didn't know if he was going to attack
508 us, and it was for officer safety reasons. So -- he complied, he got right up and
509 went out the door, and I -- grabbed my mic and I called for additional units.
510 And the struggle was still on, and -- I called again, "Code three cover, code
511 three cover, additional units." And other officers responded, and they helped
512 us get, um, Mr. Moore in cuffs, and -- because of his large size, we end up
513 using two sets of cuffs.
514
515 Q: Mmm.
516
517 A: And -- prior to that, um, we were trying to get -- get his arm free, and then he
518 goes, "Okay, okay," like, "Okay, I'm -- I'm -- I'm not going to resist any more."
519 And we're able to get the cuffs on him. But he continued kicking and bulking.
520 Kicking and -- so we request a wrap.
521
522 Q: Okay.
523
524 A: And I believe Sergeant Phillips came...
525
526 Q: Can I interrupt at this point?
527
528 A: Mm-hm.
529
530 Q: Before we're gonna leave off him. Just backtrack a little to get a little bit more
531 detail.
532
533 A: Okay.
534
535 Q: So you informed Mr. Moore that he had a warrant, that he needed to go. It's
536 clear that you were telling Mr. Moore that he was under arrest?
537
538 A: Yes.

539
540 Q: Okay. And Mr. – m- to your – to your, uh, recollection, Mr. Moore
541 understood that you were intending on arresting him, is that correct?
542
543 A: Yes.
544
545 Q: Okay. And when he wasn't complying, when you were tryin' to, uh, use
546 verbal judo and get him to comply, he wasn't complying, he wanted to step
547 inside and call the FBI and clear this up. But eventually you felt necessary
548 that you guys had to take a hold of Mr. Moore, is that correct?
549
550 A: Yes.
551
552 Q: All right. So you – you said Officer (Ken) Tu took one arm and while you
553 took the – while you took the other. Do you recall which arm you took?
554
555 A: I was on the side, so it would have been his right.
556
557 Q: His right. Okay. And Officer Tu took his left.
558
559 A: Yes.
560
561 Q: And then you – earlier, you motioned where when once, uh, you both of you
562 got took a hold of Mr. Moore's arms, he basically flung in a upward motion,
563 and while you were – had grasp of his arms, that pulled both you and (Ken) –
564 Officer Tu towards his direction, inward towards the apartment. Is that
565 correct?
566
567 A: Yes.
568
569 Q: Okay. And so – he did so, and – did, um, did he try to turn and run inside?
570 Or did he drag you and Officer (Ken) Tu in as he was going backwards into
571 the apartment?
572
573 A: Initially, um, we're going backwards into the apartment, and I believe he
574 started to turn sideways, and at that point we fell.
575
576 Q: Okay.
577
578 A: And it was onto the mattress.
579
580 Q: Okay. Could you describe this mattress to the best of your recollection?
581
582 A: It was a twin-size, uh, mattress that was on the floor.
583

584 Q: Okay. Though – was there – bed's – bed, uh, frame or anything like that?
585
586 A: No.
587
588 Q: Okay. So when you said you fell, so Mr. Moore, did he fall on his back, or
589 did he fall on his – on his front?
590
591 A: He fell more on his stomach, partially sideways.
592
593 Q: Oh, okay. All right. What...
594
595 A: Because I was on this side of him.
596
597 Q: You were on the – now his left side. You're describing.
598
599 A: No, I'm still on the right side of him.
600
601 Q: So he's falling on his stomach...
602
603 A: This way.
604
605 Q: ... onto the mattress.
606
607 A: Mm-hm.
608
609 Q: Now you're on Mr. Moore's right side.
610
611 A: I'm still on the same side I was on on – when I was outside the – the door.
612
613 Q: Got it. Okay. Got it. Uh, so you fell. Was his entire body fell on the
614 mattress? Or just his, uh, maybe from waist high? Can you – can you –
615 make...
616
617 A: No, his entire body...
618
619 Q: His entire body – fell.
620
621 A: ... his entire body fell on the mattress.
622
623 Q: So you fell along with him?
624
625 A: Mm-hm.
626
627 Q: And you're on his right side.
628

629 A: Right.
630
631 Q: Did and – did you – do you – do you remember if Officer (Ken) Tu also fell
632 along with the – with you? Before?
633
634 A: He was – we all went down.
635
636 Q: You all went down.
637
638 A: Onto the mattress.
639
640 Q: Okay. Got it. All right. Um – and now you are – you're – and then your
641 struggle is – you – you and Officer (Ken) Tu trying to handcuff Mr. Moore?
642 Is that correct?
643
644 A: Still trying to, uh, restrain him to get the cuffs on.
645
646 Q: Got it. And – you said at one point there was one handcuff that was
647 successfully laced on Mr. Moore's wrist.
648
649 A: Yes.
650
651 Q: Do you remember which wrist that was?
652
653 A: I believe it was the right one.
654
655 Q: Right one. Was it you, then? That was able to to put the cuff on him?
656
657 A: Yes.
658
659 Q: Got it. And then but you said that the other hand was buried under his – his,
660 uh – his chest while Mr. Moore was on top of the, uh, mattress. Is that
661 correct?
662
663 A: Yes.
664
665 Q: And what was Officer Tu doing at this point?
666
667 A: He's still holding at – the hand with the handcuff on it. Because he's still –
668 he's still violently resisting. He's kicking, he's balking...
669
670 Q: Okay. Um – balking. Meaning...
671
672 A: Up and back. Um – pretty much I guess you would say flinching his back up
673 and back, up and back.

674
675 Q: All right.
676
677 A: Or up and down, up and down, because Officer Tu was partially straddled
678 him, and he's just – balking like a horse.
679
680 Q: Okay. Okay. Got it. And is Officer Tu, what was his positioning? Was he
681 like, uh, uh, Officer Tu, was he using his weight to try to control Mr. – Mr.,
682 uh, Moore?
683
684 A: I would – I would have to speculate that that's what he was doing.
685
686 Q: Okay. All right. So he's – okay. Um – and, uh, Officer Tu, to your
687 knowledge, he's – he's, uh, over six foot would you say, correct?
688
689 A: Yes.
690
691 Q: And Officer Tu is over 200 pounds, would you say?
692
693 A: Yes.
694
695 Q: Okay. And would you consider Officer Tu a strong person?
696
697 A: Yes.
698
699 Q: Okay and you're saying to your – at the time, when only you and Officer Tu
700 were there, were you and Officer Tu, and who – Officer Tu is a l- rather large
701 and strong officer, were you have – were you – the two of you having a
702 difficult time controlling Mr. Moore?
703
704 A: Very difficult.
705
706 Q: Okay. Got it. Um – so – at – s- at a certain point, you decided you needed
707 more assistance. Is that correct?
708
709 A: Correct.
710
711 Q: Okay. So you used your radio?
712
713 A: Yes.
714
715 Q: To, uh, ask for additional help? The first radio brad- broadcast you made for
716 help, what did you – do you recall what you said on the radio?
717
718 A: Uh – uh, send additional officers.

719
720 Q: Okay. All right. Um – and after you made the radio broadcast, you went back
721 to the – trying to restrain Mr. ...
722
723 A: I – I still had a hand on him.
724
725 Q: Okay. All right.
726
727 A: When – even when I made the radio – call.
728
729 Q: Okay. Okay. Um – would you say, uh, Mr. Moore was, uh, kicking you, uh,
730 or Officer Tu at all at that point? Or...
731
732 A: He was kicking – he was not kicking me, because I was closer up, um,
733 towards his shoulder area.
734
735 Q: Okay.
736
737 A: But I could see him kicking.
738
739 Q: Okay. All right. Did you at any point, were you at all – putting your, uh,
740 body weight on his l- uh, on his neck or on his chest area during this trouble?
741
742 A: I probably was putting my weight on – on his – his shoulder blades.
743
744 Q: Shoulder blades. But not directly on his chest or directly on his neck or his
745 head. Correct?
746
747 A: No.
748
749 Q: Okay. Um, and, um – well, you're – the struggle continues, and – at – did
750 additional officers arrive?
751
752 A: Yes.
753
754 Q: Okay. Do you remember which officer entered first to assist you and Officer
755 Tu?
756
757 A: I don't remember which one.
758
759 Q: Got it. And adish- and – um – thereafter, at the time that you, Officer Tu, and
760 the additional officers were able to successfully handcuff Mr. Moore, about
761 how many officers were there at that time when the successful handcuffing
762 took place?
763

764 A: I think probably – two? Possibly three.
765
766 Q: Okay. So a total of five at that point?
767
768 A: Yes.
769
770 Q: Okay. Do you remember who they were? At...
771
772 A: Um – Officer Mathis?
773
774 Q: Okay.
775
776 A: Officer Gardner – and I don't remember who the other person was.
777
778 Q: Okay.
779
780 A: At that – at that time.
781
782 Q: All right. And so you said that you were – that you were able to take two
783 handcuff sets, link them together, and do a double set, uh, handcuffing of Mr.
784 Moore, correct?
785
786 A: Yes.
787
788 Q: Okay. So, um – Mr. Moore's handcuffed. All right? Now – is he continuing
789 to resist?
790
791 A: Yes.
792
793 Q: Okay. Do you know if there were any other restraint – uh, restraint attempts
794 being made by any other officers on Mr. Moore?
795
796 A: Uh, just trying to hold him down.
797
798 Q: Just hold him down.
799
800 A: Mm-hm.
801
802 Q: Okay. And, um – during – as you describe, uh, uh, uh – trying to keep – or
803 holding Mr. Moore down, did you witness any other officers, uh, use their
804 weight to, uh – on – on Mr. Moore's chest or neck or head area or stomach
805 area to holding him down? Putting their knees on certain areas of Mr., um,
806 Moore at all? Did you witness any of that?
807
808 A: No.

809
810 Q: What did – apartment – what were the (unintelligible) using to hold Mr.
811 Moore down? The...
812
813 A: Their hands.
814
815 Q: Their hands. Okay. And they were holding primarily what parts of Mr.
816 Moore's body?
817
818 A: I believe Officer Tu was still straddled him, and I don't know which officers,
819 but someone was holding his legs.
820
821 Q: Okay. All right, somebody was trying to...
822
823 A: Trying to hold his legs down.
824
825 Q: ... keep – keep – keep his legs down.
826
827 A: To keep from kicking.
828
829 Q: Okay.
830
831 A: And I was still trying to – hold him, just hold onto him, because he – he was
832 still bucking pretty wildly.
833
834 Q: Okay. All right. Um – do you know if the legs were restrained in any
835 manner? Do you recall?
836
837 A: Not until, um – the sergeant arrived with a wrap.
838
839 Q: Okay.
840
841 A: And they were able to use the strap, the ankle strap...
842
843 Q: Okay.
844
845 A: ...to restrain his, um – his ankles.
846
847 Q: Okay. So you saw that his ank- Mr. Moore's ankles eventually was – you –
848 the strap of the wrap device, uh, you saw eventually, you saw that the strap
849 was successfully placed on the – h- Mr. Moore's ankles. Is that correct?
850
851 A: Yes.
852

853 Q: Okay. Now – um – do you remember which sergeant brought up this wrap
854 device?
855

856 A: I believe it was Sergeant Phillips.
857

858 Q: Okay. All right. Uh – so now Mr. Moore's hands are successfully handcuffs,
859 his legs or his ankles are successfully restrained in the strap. Is Mr. Moore
860 still struggling? Or continuing to resist?
861

862 A: Yes.
863

864 Q: Okay. During – the f- the time that this – your – the struggle with Mr. Moore,
865 the time that Mr. Moore was, uh, resisting to the time that, uh, he was
866 handcuffed and his legs were restrained, was Mr. Moore yelling anything,
867 screaming, uh, was – what was he saying anything at that period of time?
868

869 A: There was one – one point – at one point, he said, "Okay. Okay." Like he
870 was going to stop, um, resisting.
871

872 Q: Okay. But during that, um – well, let me ask you – if you can recall. From
873 the time that the doorway, when you and Officer Tu first tried to take a hold
874 of Mr. Moore and he, uh, backed into the apartment and the struggle began to
875 the point where other officers arrived and assisted and you – and the officers
876 and yourself were successful in handcuffing Mr. Moore and restraining his
877 legs, uh, how long do you think that period of time was? To the best of your
878 estimation?
879

880 A: I – no. It – it seemed like forever.
881

882 Q: Mm-hm.
883

884 A: Uh, I honestly couldn't tell.
885

886 Q: Okay.
887

888 A: I honestly couldn't.
889

890 Q: K- you can't give an estimation in minutes or seconds?
891

892 A: It just seemed like it took forever.
893

894 Q: Okay. Um, during that period of time...
895

896 A: Mm-hm.
897

898 Q: ... was Mr. Moore yelling?

899
900 A: I don't recall him yelling.

901
902 Q: Okay. Was he – using, uh – was he tellin' you – you and other officers
903 anything? Was he verbalizing anything?

904
905 A: I don't recall – only the – thing I remember him saying was, "Okay. Okay."

906
907 Q: Okay. All right. And when he – when he said, "Okay, okay," did he actually
908 stop?

909
910 A: He slowed down...

911
912 Q: Mm-hm.

913
914 A: ... just enough for us to – when we were pulling his arm out, he said, "Okay,
915 okay." And so he kind of relaxed a little.

916
917 Q: Uh-huh.

918
919 A: And then it was on again.

920
921 Q: On again. Okay. What – did you – during the period from – again, the
922 doorway to the time that he was handcuffed, during that struggle when you
923 (unintelligible) period, did you – did you yourself and or hear other officers
924 give verbal commands to Mr. Moore? And if so, what were those commands?

925
926 A: I know Officer Tu kept telling him, "Stop resisting, stop resisting." We both
927 did.

928
929 Q: Okay. Um – do you recall any other officers saying anything to the best of
930 your recollection?

931
932 A: I – I – don't recall.

933
934 Q: "Stop resisting," was – you heard, "Stop resisting." And...

935
936 A: Mm-hm.

937
938 Q: ... you said it was (unintelligible).

939
940 A: Yes.

941

942 Q: Okay. All right. During that period from the doorway to the time that you
943 were – were able to successfully handcuff Mr. Moore, did Mr. Moore at all
944 verbalize to you that he was having trouble breathing?
945
946 A: No.
947
948 Q: Did he ever at all tell you that he need – that he was hurtin' in in any way?
949
950 A: No.
951
952 Q: Did he ever say that he needed ambulance because he was physically, uh,
953 injured in any way?
954
955 A: No.
956
957 Q: Okay. Um – um – so. Now he is handcuffed, and his legs are restrained. Uh,
958 at – at – at a certain point, does he – stop resisting?
959
960 A: Yes.
961
962 Q: Okay. Describe how that came about.
963
964 A: Once, uh, his legs were restrained, he – resisted for a while. And then he just
965 stopped. Kinda like – like he was going to take a rest.
966
967 Q: Okay.
968
969 A: And I am – I s- just – kept watching him.
970
971 Q: Okay. When, uh, when he took his rest, as you said – as you put it, how was
972 he resting? His body position?
973
974 A: He was partially on his side, um, and partially more – like – halfway on his
975 stomach? Halfway on his side.
976
977 Q: Okay. All right. So – you – he wasn't completely on his stomach or face or...
978
979 A: No.
980
981 Q: Okay. He wasn't completely on his back. He was essentially more so on his
982 side. Do you remember left side, right side? Do you recall?
983
984 A: It would have to be – it would have been the left side.
985

986 Q: Left side? Okay. And so there's a – time when he's takin' a rest. Okay. And
987 what happens during this rest period? What happens next?
988
989 A: I'm watching him, and – I don't see his chest moving. So I said, "I don't think
990 he's breathing." And so we pulled him over completely on his side. And I
991 could see his chest start – starting to move.
992
993 Q: Okay.
994
995 A: And I say, "Okay, he's breathing." And I checked pulse. And he had a pulse.
996
997 Q: Okay.
998
999 A: He moved his head a little, like this, and...
1000
1001 Q: So he shrugged his shoulders, shook his head a little bit as you...
1002
1003 A: He – he moved his head, I remember.
1004
1005 Q: ... (unintelligible). All right.
1006
1007 A: And...
1008
1009 Q: Were his eyes open? I'm sorry. Do you recall?
1010
1011 A: I don't recall.
1012
1013 Q: Okay. Was he – w- chest is going – chest is moving was indicated for – to
1014 you as what?
1015
1016 A: He's breathing.
1017
1018 Q: He's breathing. Okay. All right, so – you saw that, you move him on his side.
1019
1020 A: Mm-hm.
1021
1022 Q: So what happens next?
1023
1024 A: At that point, I just kept watching his chest.
1025
1026 Q: Okay.
1027
1028 A: And it was probably about – probably about a minute, 'cause it was a short
1029 time there after – I notice his chest wasn't moving anymore. And I said, "I
1030 don't think he's breathing."

1031
1032 Q: Okay.
1033
1034 A: And I checked for a pulse, I said, "I can't get a pulse, I can't get a pulse," and –
1035 they were like, "Let's get the cuffs off him, get the cuffs off him." We
1036 immediately took the cuffs off and – pulled him over on his back...
1037
1038 Q: Mm-hm.
1039
1040 A: ... but the mattress was so soft, we pulled him onto the floor...
1041
1042 Q: Right.
1043
1044 A: ... to start CPR. And, uh, called for code three cover – I mean code – code
1045 three for BFD.
1046
1047 Q: Mm-hm.
1048
1049 A: Because we'd actually called for BFD earlier, because we wanted, um – the
1050 wrap wasn't large enough...
1051
1052 Q: Mm-hm.
1053
1054 A: ... to restrain him, and we needed restraints. And, um – I believe it was
1055 Sergeant (Amber) who got on the radio and said, "Get him here code three."
1056 'Cause I – I – I yelled out, "Code three, code three, code three, he's not
1057 breathing, code three."
1058
1059 Q: Mm-hm.
1060
1061 A: And I heard her on the radio. Um...
1062
1063 Q: Making the request for code three...
1064
1065 A: Mm-hm.
1066
1067 Q: ... Berkeley fire paramedics.
1068
1069 A: Right.
1070
1071 Q: Okay. Got it. All right. And so now Mr. Moore's on his back. Who's –
1072 who's givin' the chest compressions, do you recall?
1073
1074 A: Uh, Officer Tu.
1075

1076 Q: Officer Tu? Okay. Um, and what were – what were you doing at that point?
1077
1078 A: At this point, I – I held his head to open up his airway.
1079
1080 Q: Okay.
1081
1082 A: And I said, "Someone run downstairs, get a mask, get a mask. "And they said,
1083 "B – BFD's here."
1084
1085 Q: I see.
1086
1087 A: And then, um...
1088
1089 Q: Mask meaning the – the breathing safety apparatus thing.
1090
1091 A: Right.
1092
1093 Q: Right. Okay. All right. So – um – uh – at this point in juncture, while the,
1094 uh, CPR is – is being, uh, done on Mr. Moore, uh, to the best of your
1095 recollection, do you recall who the other officers other than you and Officer
1096 Tu and Officer Phillips, uh, do you know who else was in the room during
1097 that period time still?
1098
1099 A: I think it's Sergeant Phillips.
1100
1101 Q: I'm sorry. Sergeant Phillips.
1102
1103 A: Officer Mathis...
1104
1105 Q: Okay.
1106
1107 A: ... and I believe Officer Gardner.
1108
1109 Q: Okay.
1110
1111 A: And I don't remember who else.
1112
1113 Q: Do you – do you recall any other, uh, supervisor or sergeant rank there in the
1114 room?
1115
1116 A: Uh, at one point, I know of, uh, Sergeant (Cardoza) was there, but I don't
1117 know if he was there doing the – CPR or not.
1118

1119 Q: Okay. So – you're tending to the, uh, Mr. Moore's, uh, airway, uh, Officer Tu
1120 is doing the chest compressions. Eventually fire department paramedics
1121 arrive, correct?
1122

1123 A: Yes.
1124

1125 Q: Okay. And – if I may just speak on your behalf, they're loading him up on the
1126 gurney, and they take him away.
1127

1128 A: Uh, they started – uh – they took over the chest compressions and
1129 administered oxygen. And they – they continued doing that, and, uh – they
1130 moved around the mattress and the bedding to get the gurney in there...
1131

1132 Q: Got it. Okay.
1133

1134 A: ... and, um, got him onto the gurney and took him on out.
1135

1136 Q: Okay. And once the fire paramedics and Mr. Moore have now exited the
1137 apartment, what's happening now?
1138

1139 A: Uh, I – I believe I told – the sergeant, uh, "We need to get an I.D. tech up
1140 here."
1141

1142 Q: Mm-hm.
1143

1144 A: Um – I believe Sergeant (Cardoza) started – assigning officers to do, um,
1145 contact the – the neighbors, someone was assigned to contact, um – Mr.
1146 Sterling, that's the individual who was in the apartment...
1147

1148 Q: Okay.
1149

1150 A: ... initially. And I do know Officer Smith, he ran back upstairs. When I called
1151 for cover.
1152

1153 Q: Okay.
1154

1155 A: He was there also.
1156

1157 Q: Officer – Mr. Smith. Okay.
1158

1159 A: Uh...
1160

1161 Q: 'Cause he was there early on, (unintelligible)...
1162

1163 A: Yes.

1164
1165 Q: Okay. All right. Um – and then, uh, while all of the other officers gettin'
1166 tasked with assignments, uh, um, what were you doing before you actually
1167 had left the property and went back to the station? What was your role at that
1168 point?
1169
1170 A: I was talking with Sergeant, uh, Phillips and Sergeant (Cardoza), because, uh
1171 – she stated someone needed to – follow the ambulance. Uh, to the hospital.
1172
1173 Q: Mm-hm.
1174
1175 A: And, um – Officer Tu volunteered to go, and she's she's really concerned
1176 about his, um, well-being, because – he was s- um – sweating, seemed to be
1177 out of breath, 'cause he had been doing the chest compressions...
1178
1179 Q: Mm-hm.
1180
1181 A: ... and I notice he – he kinda limped a little bit, knowing that he had back
1182 surgery...
1183
1184 Q: Yeah.
1185
1186 A: ... and I ask him, I said, "(Ken), are you sure you're okay?" And at that point,
1187 she said, "We should get another officer, um, to f- to go," and I – and I believe
1188 Sergeant (Cardoza) said, "Either one of you guys go." You know, and I said,
1189 "I'm staying here till this scene is secured." And so (Ken) said, "I'll go." And
1190 – um – Sergeant (Cardoza) was like, "You need to go to the station. You need
1191 to get – you start writing. You need to go to the station and start writing." I
1192 said, "I'm not leaving till the scene is secure." He said, "I have – " Officer
1193 such and such, I don't remember who it was." He said, "He'll secure the
1194 scene." At that time, the I.D. tech came. And I left.
1195
1196 Q: Mm-hm. So you left and went back to the station to prepare...
1197
1198 A: Yes.
1199
1200 Q: ... police report? Okay. Okay. Who was the scene supervisor to your – to
1201 your knowledge, who was the supervising officer on that incident?
1202
1203 A: Being that it was my – beat, I considered Sergeant, uh, (Cardoza), because
1204 he's my sergeant...
1205
1206 Q: I see, okay.
1207

1208 A: ... um – just because, um, Sergeant (Amber) got there first, I didn't consider –
1209 she was the scene supervisor till he got there.

1210
1211 Q: I see. Okay. So ultimately, Sergeant (Cardoza) was the scene supervisor,
1212 um...

1213
1214 A: That was my impression.

1215
1216 Q: ... of that – of that incident. And even in your impression as well. Okay.

1217
1218 A: Yes.

1219
1220 Q: Great. All right. Um – um – during, uh, the entire episode, the incident
1221 involving, uh, uh, your contact as well as other officers' contact with Mr.
1222 Moore, at any time, uh, did you strike Mr. Moore with a closed fist or open
1223 hand?

1224
1225 A: No.

1226
1227 Q: Did you witness any other officers doing the same?

1228
1229 A: No.

1230
1231 Q: At any time, did you hit Mr. Moore with, uh, your ASP or – or wood baton?

1232
1233 A: No.

1234
1235 Q: Did you witness any other officers do the same?

1236
1237 A: No.

1238
1239 Q: At any time, did you strike Mr. Moore with any other blunt object, whether on
1240 your duty belt or in the apartment, uh, Mr. Moore?

1241
1242 A: No.

1243
1244 Q: Did you witness any other officer do the same?

1245
1246 A: No.

1247
1248 Q: Did you OC Mr. Moore?

1249
1250 A: No.

1251
1252 Q: Any other officers?

1253
1254 A: No.
1255
1256 Q: Did you at – did you discharge your firearm at Mr. Moore?
1257
1258 A: No.
1259
1260 Q: Did you – did any other officers?
1261
1262 A: No.
1263
1264 Q: Did any other officers – you, yourself, or any other officers use your firearm
1265 as a blunt object?
1266
1267 A: No.
1268
1269 Q: Okay. What about kicks? Did you kick Mr. Moore in any fashion?
1270
1271 A: No.
1272
1273 Q: What about any other officers?
1274
1275 A: No.
1276
1277 Q: Okay. Um – let's see. I'll take a pause, and...
1278
1279 Q2: (Gwen), uh – I know you mentioned that Hayes had said something
1280 downstairs about, uh, Mr. Moore using drugs, drinking all day. When – in
1281 your contact with him, did you see any signs or symptoms of, you know,
1282 influence of drugs or alcohol that you could tell?
1283
1284 A: Mr. Moore appeared to be – it was hard for him to focus. Because when I –
1285 kept trying to bring him back to answer my questions in regards to what was
1286 going on with he and his roommate, he kept talkin' about the FBI, and – callin'
1287 me these other names – and dinosaurs, so – it was – at the point where – I felt
1288 like, "Oh, he – he may be 5150 here." He's – he's definitely not makin' any
1289 sense. And then again, his roommate, I – I had the knowledge that he had
1290 been doing drugs quite a bit that day, so I was under the impression that he's
1291 probably pretty high and – 5150 all in one.
1292
1293 Q2: Okay. Any – any physiological signs that you recall? Uh...
1294
1295 A: No.
1296

1297 Q2: Okay. Um – when you mentioned the – when he kinda pulled you guys back
1298 into the – to the room and you guys fell on the mattress, can you describe
1299 where in the apartment that mattress was?
1300
1301 A: It's – it's on the floor, on the – I wanna say the north wall.
1302
1303 Q2: Okay. Let me ask – I – 'cause I – we had an opportunity to go up there...
1304
1305 A: Mm-hm.
1306
1307 Q2: ... so I – when I picture it, and correct me if you just remember it differently,
1308 but when you first walk in, there's a – like a really small almost entryway...
1309
1310 A: Mm-hm.
1311
1312 Q2: ... with a bathroom just off to the left...
1313
1314 A: Correct.
1315
1316 Q2: ... a small, short, narrow hallway...
1317
1318 A: Mm-hm.
1319
1320 Q2: ... I'd call that goes into sort of a – living room, kitchen, everything but a
1321 bedroom area, and then sliding doors that lead into a very small bedroom.
1322 That's – they almost look – if the doors were open, I'd think it would almost
1323 look like all one – not very big room?
1324
1325 A: Right.
1326
1327 Q2: But – uh...
1328
1329 A: So when you walk the – walk in, and the bathroom's to the left, this very short
1330 hallway – once you step into this living room area, the mattress was right here.
1331 Up against the wall. This wall.
1332
1333 Q2: Is that sort of – if you were to take the hallway straight back, like right into the
1334 – where the – what is that, the – maybe the north and the east walls come
1335 together?
1336
1337 A: Yes.
1338
1339 Q2: Like stuffed in the corner?
1340
1341 A: Yes.

1342
1343 Q2: Or off to the sides in there?
1344
1345 A: It was – it was in – in that corner.
1346
1347 Q2: Okay. Okay. And, uh – when – when you – the – I believe you said he fell on
1348 his stomach? Is how he fell, is that correct?
1349
1350 A: He fell on his stomach and side, 'cause he had his arm buried up under his
1351 torso.
1352
1353 Q2: Okay. And – first, when you fell, did you fall on top of him, on the mattress,
1354 some – like how did you fall? In relation to him?
1355
1356 A: I fell – kinda like over his shoulder. 'Cause he's like this, and I went over him,
1357 because I still – was trying to hold onto this hand, and when he pulled, I went
1358 – like this.
1359
1360 Q2: Okay.
1361
1362 A: And I lost the grip. On his hand.
1363
1364 Q2: Okay. Is that sort of across his body? Is that how you're describing it?
1365
1366 A: Yes.
1367
1368 Q2: Okay. And, uh, how about (Ken)? Where did he end up?
1369
1370 A: (Ken) end up straddling him.
1371
1372 Q2: Okay. Like...
1373
1374 A: Like across the – the, um, torso area.
1375
1376 Q2: And is that like on his knees? Straddling him?
1377
1378 A: Yes.
1379
1380 Q2: Like – knee – knees are – were his knees on him, or like...
1381
1382 A: No.
1383
1384 Q2: Oh...
1385
1386 A: He was – they were...

1387
1388 Q2: On either side of him.
1389
1390 A: On either side of him.
1391
1392 Q2: Okay. Okay. Um – I know you mentioned (Ken) was using his weight to
1393 control Mr. Moore, and I was curious, does that mean – like his whole body's
1394 laying on top of him? Or he's – using his hands in a specific part of his body
1395 to kinda – hold him down and his weight like that?
1396
1397 A: He's using his hands.
1398
1399 Q2: Okay. And – and – you may have answered this, but – what part of his body
1400 was he – did he have his hands?
1401
1402 A: Well, he still had – hold of the – the arm that we had the handcuffs on. So he
1403 still had that – that hand, um, holdin' onto that one.
1404
1405 Q2: Okay. And – at the t- well, during the time he was on his stomach, or even –
1406 maybe a little bit cocked on his side, where is his face? Was it – was his face
1407 in the mattress or away from the mattress or – how was that?
1408
1409 A: It was facing – to the side. To the side.
1410
1411 Q2: Okay.
1412
1413 A: That I can remember.
1414
1415 Q2: Did it – did it appear his – mouth and nose were obstructed? Or not
1416 obstructed? Because of that? If you could tell?
1417
1418 A: I – I don't recall, 'cause h- he was so busy – resisting us.
1419
1420 Q2: Okay. Um – do you remember any other supervisors or command present
1421 besides Sergeant Phillips and Sergeant (Cardoza)? At any time?
1422
1423 A: No.
1424
1425 Q2: No?
1426
1427 A: Not at the scene.
1428
1429 Q: Okay. And – had you – prior to this contact, had you ever dealt with Mr.
1430 Moore or known of him or – just had any other contacts?
1431

1432 A: I had not had any personal contact with him, but I knew of him.

1433
1434 Q: Okay – what is it – what did you know of him – generally?

1435
1436 A: Um, his mother called the station, I believe, it may have been a month or so
1437 ago, asking for a welfare check, and said that her son was – depressed, um –
1438 she mentioned that he had a lot of issues going on, and could we check on his
1439 welfare? I called her back to let her know, um, Officer (Galvin) and I had
1440 gone out, and there was no one at the apartment. So I called her back to let
1441 her know. That was our – our finding.

1442
1443 Q: Do you recall what – the specific issues the mom was talking about?

1444
1445 A: She said her son had called her – earlier that day, said he was very depressed,
1446 um, she said he was going through a sex change, um, he was, um, a heavy
1447 drug user. He drank heavily. And she was concerned about, uh, the
1448 roommate. She said he hung out with a guy that he shared an apartment with
1449 in San Francisco, and they eventually got kicked out of that apartment because
1450 of fighting and, um – the arguments and – you know, she said something to
1451 the effect that San Francisco PD was really sick of them, and she's glad that
1452 she was able to get him an apartment over in Berkeley, because she's heard
1453 that the Berkeley police are much more lenient and tolerable.

1454
1455 Q: Mmm. Okay. Is, uh – you report – uh, you mentioned Mr. [REDACTED]
1456 And, uh – was Mr. [REDACTED] the gentleman that was in the room that you told
1457 to leave at – that day when you first arrived there? Remember, you said you
1458 were fighting – you and – you and Officer Tu were struggling with Mr.
1459 Moore, and there happened to be a – someone in the room.

1460
1461 A: Yes.

1462
1463 Q: Would that be Mr. [REDACTED]?

1464
1465 A: Yes.

1466
1467 Q: Okay. Um – had you at – that time, on scene, any chance to speak with Mr.
1468 [REDACTED]? Did you have an opportunity to speak with him?

1469
1470 A: After the incident? Or...

1471
1472 Q: Correct.

1473
1474 A: No.

1475

1476 Q: Okay. So you – you never – even spoke with Mr. [REDACTED] got a statement
1477 from him or anything else?
1478

1479 A: No.
1480

1481 Q: Got it. So you – okay. And as you know, Officer (unintelligible) is the one
1482 who obtained his statement after this.
1483

1484 A: Yes.
1485

1486 Q: Okay. Um – um – (unintelligible)?
1487

1488 Q1: Just, uh – let me look at my notes. Uh, I know – that, uh – you answered this
1489 question that you believe, uh, based on the information that Officer Smith had
1490 given you that Mr. Moore had a warrant. If you, uh, if he hadn't had a
1491 warrant, would you have taken him, uh, for evaluation?
1492

1493 A: Yes.
1494

1495 Q1: And what would that be based on?
1496

1497 A: Because on, uh, his behavior.
1498

1499 Q1: Did – in any time you were talking to him, at the threshold of his door, did he
1500 ever appear to have a problem breathing or express any – medical problems?
1501

1502 A: No.
1503

1504 Q1: How do you feel about this incident? In retrospect?
1505

1506 A: I know that I didn't do anything wrong. I know the officers on scene didn't do
1507 anything wrong. But it still doesn't change the fact that a man is dead.
1508

1509 Q1: Is that upsetting?
1510

1511 A: Very much so. Um – my heart goes out to his family. Because despite –
1512 someone's child died. So yes. It is very upsetting.
1513

1514 Q: Any other questions?
1515

1516 Q2: Nope.
1517

1518 Q: End of interview with Officer Gwendolyn Brown, 1913 hours.
1519
1520

1521 This transcript has been reviewed with the audio recording submitted and it is an accurate
1522 transcription.

1523 Signed _____

INTERVIEW WITH OFC. KENNETH TU

Q=Sgt. Hong

Q1=Dr. Johnson

Q2=(Sara) Burdick

Q3=(Harry) Stern

Q4=(Jonathan) Murphy

A=Ofc. Kenneth Tu

Q: It is, uh, February 13, Wednesday, approximately 1528 hours, which is 3:28 pm. This is Sergeant Hong, H-O-N-G, and in the room is, uh, um, Officer Tu, along with others, they can introduce themselves.

Q1: Doctor Johnson, badge 26. J-O-H-N-S-O-N.

Q2: (Sara) Burdick with (Rains), (Luchia), (Stern), B-U-R-D-I-C-K.

Q3: I'm (Harry) Stern, that's S-T-E-R-N.

A: Officer (Ken) Tu, uh, badge 28, last name's T-U.

Q4: (Jonathan) Murphy, M-U-R-P-H-Y, with (unintelligible).

Q: Okay. Okay, (Ken), um, just wanna confirm with you and your representative that you signed the admonition.

A: Yes, I have.

Q: Correct? Waiver? All right. So - all right. So, (Ken), could you state your rank and your badge number?

A: Police officer, badge number 38.

Q: What's your, uh, hire date? With, uh, Berkeley Police Department?

A: Uh, April 2007.

Q: Do you have any prior law enforcement experience?

46 A: No.
47
48 Q: Which patrol operations team do you work for currently?
49
50 A: Currently team four.
51
52 Q: What are your normal days work and your normal hours work?
53
54 A: Normal days work are Monday through Thursday, hours work are 2030 hours,
55 which is 8:30 pm, to 6:30 am.
56
57 Q: What was your, uh, call sign during the shift that - yesterday evening?
58
59 A: 4A3.
60
61 Q: Now what area or beat is that assigned to?
62
63 A: It's the north Berkeley downtown area.
64
65 Q: Okay. Beat three?
66
67 A: Beat three.
68
69 Q: Okay. And your - team supervisors at the time of the - of yesterday's
70 incident?
71
72 A: Sergeant Phillips and Sergeant Huynh.
73
74 Q: Huynh being, uh, H-U-Y-N-H?
75
76 A: Yes.
77
78 Q: Correct? Phillips, P-H-I-L-L-I-P-S?
79
80 A: Yes.
81
82 Q: Are - are they your normal supervisors?
83
84 A: Yes.
85
86 Q: Okay. Uh, when was the last shift you worked prior to yesterday's shift?
87
88 A: Uh, the previous Thursday?
89
90 Q: Okay. What were the hours you worked?

91
92 A: 8:30 pm to 6:30 am.
93
94 Q: Okay. Do you hold any secondary employment?
95
96 A: No.
97
98 Q: Did your work any overtime after the last shift and prior to this shift?
99
100 A: No.
101
102 Q: Have you taken any medication, prescription or otherwise?
103
104 A: No.
105
106 Q: Have you consumed any alcohol in the past 24 hours?
107
108 A: No.
109
110 Q: Do you have any medical conditions?
111
112 A: No. I'm sorry, can I clarify one thing? Yesterday's shift was a - it's now
113 Wednesday, right?
114
115 Q: Yes. (Unintelligible).
116
117 A: I'm sorry. The shift I worked before was the - the day before, the Monday
118 before.
119
120 Q: Right. Okay. The Monday before.
121
122 A: The same hours.
123
124 Q: Okay. Um - when was the last time you slept? And how long and between
125 what hours did you sleep?
126
127 A: Uh, prior to this interview? Or prior to my shift last night?
128
129 Q: Uh, how about both?
130
131 A: Uh, prior to this interview, I slept approximately one hour. Uh, since my last
132 shift, and prior to my previous shift, I slept approximately seven hours.
133
134 Q: From yesterday's incident, did you sustain any injuries?
135

136 A: No.

137

138 Q: Do you wear any corrective eyeglasses or contact lenses?

139

140 A: No.

141

142 Q: Um - can you describe for me your duty gear, on your belt, from, uh, your
143 front b- belt buckle going, uh, clockwise, how your assembly's made?

144

145 A: Clockwise, I have, um - from belt buckle, I have a - double set of handcuff
146 case, my duty firearm, my pistol, my ASP, my key holder, and then - on the
147 other side, I have my flashlight, my radio, baton ring, magazine notches.

148

149 Q: Okay. After yesterday's incident, uh, did your duty gear or duty belt sustain
150 any type of damage?

151

152 A: No.

153

154 Q: Uh, regarding the vehicle that you drove yesterday, what vehicle make and
155 model were you driving during your shift yesterday?

156

157 A: It's a Ford Crown Victoria, uh, vehicle 1747.

158

159 Q: When I say yesterday, I mean - at the, uh, 12th of February, Tuesday evening.

160

161 A: My previous shift.

162

163 Q: Previous shift.

164

165 A: Okay.

166

167 Q: And what kind of markings and emergency equipment is on that vehicle your
168 drove?

169

170 A: Uh, full, uh, BPD markings, it's got the - black and white vehicle with the
171 BPD shield on the doors and a - visible light bar.

172

173 Q: Do you normally drive that particular vehicle?

174

175 A: Yes.

176

177 Q: Are you a single officer or a double officer, uh, uh, vehicle?

178

179 A: Single.

180

181 Q: Uh - why don't we, uh - at this point, I'm gonna ask you about what you
182 observed in terms of the incident scene. But before that, 'cause it may be, uh,
183 already in your sub- in your report. Now do you have a report that you've
184 completed regarding, uh, yesterday's incident?

185
186 A: Yes.

187
188 Q: All right. Okay. Uh - so - I'm just gonna read it out loud for the tape so we'll
189 know exactly, uh, which report you're submitting. So - this, uh, report is a
190 supplemental report by Officer Kenneth, K-E-N-N-E-T-H, last name Tu, T-U,
191 that's Tom Union. And the report reads, "On 2-12-13 at approximately 2357
192 hours, I responded to assist with a report of a disturbance between roommates
193 at 2116 Allston Way, A-L-L-S-T-O-N, Allston Way, the Gaia apartment
194 building. Gaia, G-A-I-A. I arrived on scene with Berkeley police officers
195 (Brown), badge 16, and Smith, badge three. We contacted the reported party,
196 Hayes, H-A-Y-E-S, in front of the building. Hayes reported that his
197 roommate, Moore, M-O-O-R-E, was - was schizophrenic and off his
198 medication and had kicked him out of the apartment. Hayes stated that Moore
199 needed to be placed on a 5150 hold. Hayes took us up to his residence,
200 apartment number 514, Hayes opened the front door with this key, and Officer
201 (Brown) called into the apartment from the doorstep. Moore came to the front
202 door, and Officer (Brown) initiated conversation with him. I stood by as a
203 cover officer to keep Hayes separated from Moore. During this contact,
204 Moore came increasingly agitated and made numerous paranoid, rambling
205 statements. Moore repeatedly stated that he was being followed by the FBI
206 and that he did not believe that we were real police officers. During the
207 investigation, Officer (Brown) placed Hayes under arrest for an active warrant
208 and directed Officer Smith to transport him from the scene. Officer Smith
209 placed Hayes in handcuffs and then escorted him downstairs to his patrol
210 vehicle. I remained on scene with Officer (Brown). Officer (Brown) asked
211 Moore to come outside to speak to him. Moore agreed and stepped outside of
212 the apartment into the exterior walkway. Officer (Brown) then informed
213 Moore that he was being detained for a warrant. Moore became extremely
214 upset and was unresponsive to our verbal commands. Officer (Brown) then
215 signaled me to attempt to detain Moore in handcuffs, so I grabbed him by the
216 left wrist with both my hands. Moore immediately began screaming and
217 violently pulling away and then back - and then ran back into the apartment,
218 pulling Officer (Brown) and I in with him as we tried to detain him. A person
219 later identified as [REDACTED] was inside the apartment living
220 room at the time and for the safety of all parties present, Officer (Brown)
221 directed him, [REDACTED] to leave the apartment. [REDACTED] complied and went
222 outside. Moore was able to pull himself out of my grasp and fell on his left
223 side into the mattress in the living room. He th- he then began kicking me as I
224 attempted to place his right arm in a control hold. I sprawled into - sprawled
225 onto his hip in an attempt to prevent him from further kicking me and again -

226 and gained control of his right arm by placing it in a rear wrist lock. Moore
227 rolled onto his stomach with this left arm under his body, preventing us from
228 controlling that arm. Officer (Brown) requested code three cover, and several
229 other BPD units responded to assist. Moore continued to violently resist by
230 trying to buck m- off - buck me off him, kicking me and trying to pull his
231 right arm away from me. After struggling for several minutes, we were able
232 to gain control of Moore's left arm and placed him in handcuffs. Due to his
233 size, we secured his arms behind his back with two sets of handcuffs. After
234 being secured in handcuffs, Moore continued to scream and quick. So other
235 BPD officers used the ankle strap of a wrap device, wrap, W-R-A-P, wrap
236 device to secure his ankles. Moore continued resisting for a short period of
237 time before appearing to calm down. Once he calmed, we rolled him onto his
238 side, and Officer (Brown) confirmed that he was breathing and had a pulse.
239 However, after approximately one minutes, Officer (Brown) reported that
240 Moore was no longer breathing and no longer had a pulse. We immediately
241 removed him from handcuffs and began CPR. I started compressions until
242 being relieved by Berkeley Fire Department paramedics. I escorted Berkeley
243 Fire Department paramedics as they transported Moore to Alta Base Hospital.
244 I stood by at Alta Base Hospital until being relieved by Officer Frankel, badge
245 26, Frankel spelled F-R-A-N-K-E-L." And that's the complete re-
246 supplemental report?

247
248 A: Yes.

249
250 Q: Okay. All right. Could you describe for me the general description of the
251 area in which this incident occurred?

252
253 A: Um - okay. 2216 Allston Way is a - it's a apartment building called the Gaia
254 apartment building. It's a very large, multiunit, multiple floors over five floor
255 apartment complex. Um - the - the floors are laid out in a - kind of a
256 rectangular fashion, overlooking a courtyard. Um, the incident took place in
257 apartment 514, which is on the fifth floor of the apartment complex. Uh,
258 again, front door faces out to a exterior walkway, uh, with a railing that
259 overlooks the, uh, the courtyard. Uh, the interior of the apartment, from what
260 I saw, I - I only saw the living room of it. It - it was a - it's a hallway that
261 leads down to a small kitchen and small living room. From what I remember,
262 there was a mattress on the floor against - I mean, you're going in, the wall to
263 the right, um, and I don't remember too much else about the interior.

264
265 Q: Okay. Uh, do you remember if it - remember if it was a studio or a one-
266 bedroom or anything?

267
268 A: I believe it was a one bedroom. At least one bedroom.

269
270 Q: Okay. About how far in did you go into the unit? When this - this occurred?

271
272 A: The hallway's approximately, I would estimate, maybe ten feet long, um, that
273 opens into the living room where the mattress is. Um, I went in - into the
274 hallway, and, um, as far as - as the bed, so the middle of the living room is
275 where I was.
276
277 Q: About as far as you went in?
278
279 A: Yes.
280
281 Man: Is the mattress against the right wall the bed you're talking about that he fell
282 onto?
283
284 A: Yes.
285
286 Q: That's the bed that he fell onto?
287
288 A: Yes. I - I think there's a frame or anything. I think it's just a mattress on the
289 floor.
290
291 Q: Okay. Um - where was - Sterling, to your recollection?
292
293 A: Uh, Sterling was sitting on that mattress when we were - when we went in.
294
295 Q: Okay. So - when you got there, was the door open already? Or did you guys
296 have to knock?
297
298 A: When we got there, it was closed. Um - the reporting party, Hayes, unlocked
299 the door and opened the front door.
300
301 Q: So Hayes unlocked the door and opened it for you?
302
303 A: Yes. He had his own key to the door, unlocked it.
304
305 Q: And when the door opened, what did you see?
306
307 A: Um - nothing at first, he opened the door, and then, uh, Officer (Brown) called
308 out to Mr. Moore, the other involved party.
309
310 Q: What'd she call him? Do you recall?
311
312 A: I believe she called him by his first name, (Xavier).
313
314 Q: (Xavier)?
315

316 A: Yes.

317

318 Q: Okay. So Officer (Brown) called him. So what - what occurred thereafter -

319 when that - after she called him?

320

321 A: Officer - Officer (Brown) called out to Mr. Moore, and Mr. Moore came to

322 the front door.

323

324 Q: Okay. Um, did Officer (Brown) explain what the purpose of the police were

325 there for?

326

327 A: I believe so. She initiated conversation with Mr. Moore. I was - maybe six

328 feet away between the doorway and Hayes, the reporting party, standing as a

329 reporting party.

330

331 Q: Okay. Were you able to understand and hear what Officer (Brown) was

332 telling Mr. Moore?

333

334 A: A little bit. She was - speakin' rather quietly, I mean, it's a huge apartment

335 complex, we're not tryin' to have everyone hear, but - I could hear some of - of

336 what - what they were talkin' about.

337

338 Q: To the best of your recollection, and the - understanding you were - a- away,

339 and she was whispering, any - anything you can recall as to what she was

340 asking Mr. Moore or telling Mr. Moore?

341

342 A: I believe I remember her asking Mr. Moore about what the issue was with the

343 roommate, who lived in there, things like that.

344

345 Q: Okay. Um - and then, uh - and then what happened after that?

346

347 A: Um - so after that, they were both IDed at - identified at one point...

348

349 Q: Okay.

350

351 A: ...um - and the information was passed to, uh, Officer Smith, who began

352 conducting record checks. Uh...

353

354 Q: When you say record checks, he's using his radio?

355

356 A: Yes.

357

358 Q: And he's use- he's doing what with his radio?

359

360 A: He's, uh, providing the identifying information of both parties to our records
361 bureau, uh, to provide - to do, uh - corpus and NCIC checks.
362
363 Q: So he's doin' - NCIC meanin' he's doin' warrant checks...
364
365 A: Warrant checks, probation status...
366
367 Q: ...based on first name, last name, birth dates, et cetera...
368
369 A: Yes. Yes.
370
371 Q: ...as standard radio procedure.
372
373 A: Yes. Got it. Okay. And then what did he find out?
374
375 A: Um - at one point during this contact, I guess, uh, it was determined that
376 Hayes had a active warrant. Um - Officer (Gwen), uh, tasked, uh, Officer
377 Smith with confirming that warrant and then transporting her from the scene.
378 So Officer Smith took custody of Hayes, uh, and escorted him away from the
379 apartment and downstairs to his patrol vehicle.
380
381 Q: Got it. And at this point, you and Officer (Brown) are still outside.
382
383 A: Yes.
384
385 Q: Got it. And - while you and Officer (Brown) are outside, from what I
386 understand, Officer Smith left with Hayes...
387
388 A: Yes.
389
390 Q: ...to take him to jail for his active warrant.
391
392 A: Yes.
393
394 Q: Okay. Do you know - do you remember - do you know what the warrant was
395 for?
396
397 A: I was, um - I was on channel one, monitoring regular radio traffic, so I don't
398 know what the warrant was for.
399
400 Q: Okay. So - Mr. Hayes and Officer Smith is now gone.
401
402 A: Yes.
403

404 Q: And the only remaining officers on the landing is you and Officer (Brown),
405 correct?

406
407 A: Yes.

408
409 Q: Okay. So what happened thereafter?

410
411 A: So once - uh, once Hayes was moved from the scene, um, Officer (Brown)
412 asked, uh, Mr. Moore if he could step outside a little further and talk to us just
413 outside the apartment, um, just outside the doorway.

414
415 Q: Mm-hm.

416
417 A: So Officer, uh - Mr. - Mr. Moore agreed and came outside and was standing
418 on the landing with us. Uh, at that point, uh, Officer (Brown), uh, informed,
419 uh, Mr. Moore that he also had a warrant and that he was gonna be a -
420 detained or arrested for that warrant. Um - Mr. Moore became - pretty upset.
421 It was - just - was yellin', "No," things like, "No," and things like, "I need to
422 call the FBI," and just makin' statements like that. Um - Officer (Brown) was
423 tryin' to - tryin' to talk him down verbally, just get him to calm down. He - he
424 wasn't - he wasn't listening, he wasn't calming, he wasn't listening to her
425 verbal commands or anything. So at that point, she signaled me to - to - try
426 and detain him in handcuffs, go hands-on with him.

427
428 Q: Okay. Can I interrupt?

429
430 A: Um - so when, uh, Officer (Brown) told you that, um - she verbally told you
431 that Mr. Moore had a warrant?

432
433 A: I mean, she told Mr. Moore in my presence that he had a warrant.

434
435 Q: Okay. Do you know how she found out about the warrant?

436
437 A: No.

438
439 Q: Okay. And - you said to the best of your recollection, when Mr. Moore found
440 out that he had a warrant, he became upset, correct?

441
442 A: Yes.

443
444 Q: Okay. And you said just a seconds ago that, um - that Mr. Moore was saying
445 that he needed to call the FBI.

446
447 A: Yes.

448

449 Q: Okay.
450
451 A: He was - throughout the contact, he was referencing the FBI, whether it be he
452 needs to call them or - being followed by the FBI.
453
454 Q: Okay. When you say that Mr. Moore was upset, was he - I mean, was he - fis-
455 was he showing the behavior of an upset person? Was he screaming, was he...
456
457 A: Yes.
458
459 Q: ...flaring his arms, (unintelligible)?
460
461 A: He - he started to elevate his voice towards us. I wouldn't say at the time he's
462 screaming, but he's - definitely starting to get - more and more upset. Voice is
463 getting higher...
464
465 Q: Okay.
466
467 A: ...getting louder, uh, waving his arms around in a...
468
469 Q: Okay. So, uh, at - one - and at one point, Officer (Brown) asked you to do
470 what, take a hold of him?
471
472 A: Yes.
473
474 Q: Or - can you describe that?
475
476 A: It - it was all nonverbal between Officer (Brown) and I, she - when it became
477 clear that Mr. Moore was not goin' to - calm down and comply with her verbal
478 commands, she - looked at me, nodded towards - towards Mr. Moore, just -
479 looked at me like this and - indicated like that.
480
481 Q: Okay.
482
483 A: That the - directed the head - 'cause the head shake towards Mr. Moore.
484
485 Q: Okay so you were - you basically showed that she basically - got your
486 attention, she, uh - sh- nod her head, and swaying it, in a fashion, telling you,
487 "Uh, we have to," in your interpretation was, "we have to handcuff this
488 person."
489
490 A: Yes.
491
492 Q: Okay. And you knew what exactly what she was referrin' to, and so you
493 moved in?

494
495 A: Yes.
496
497 Q: Okay. And what did you - what did you - when - when you said she - he
498 wouldn't comply with her commands, what do you mean by her commands?
499 To calm down? Or - what commands?
500
501 A: Yeah, she was - she was - well, she was tellin' him he needed him to - well,
502 she was askin' him to calm down, but she was also telling him, "Hey, Mr.
503 Moore, you need to - you need to come with us. You - you're gonna come
504 with us. We're gonna," basically, "You're gonna come with us." And, uh -
505 Mr. Moore's response to that was, "No, no, no."
506
507 Q: So when Officer (Brown) was tellin' Mr. Moore, "You're gonna come with
508 us," does that mean he's gonna have to go to jail?
509
510 A: Yes.
511
512 Q: Is what she was telling Mr. Moore?
513
514 A: Yes.
515
516 Q: Okay. And to your recollection, Mr. Moore understood what you guys were
517 saying?
518
519 A: Oh, yes.
520
521 Q: There was no question that that's what Officer (Brown) was tryin' to, uh, tell
522 Mr. Moore, which was, "You have to go to jail on your warrant." Is that
523 correct?
524
525 A: Yes.
526
527 Q: All right, I'm sorry I interrupted. So you moved in and you took a hold of him
528 a certain way.
529
530 A: I - I grabbed - so I used both my hands, and I grabbed Mr. Moore's right - uh,
531 no, at that time - grabbed his left wrist, uh, I got a two-handed grip on his left
532 wrist. Um - I believe at the same time Officer (Brown) moved in as well and
533 engaged the other side of his body. As soon as I made contact with Mr.
534 Moore, he just started screaming, um - he was pulling away as hard as he
535 could, trying to flail his arms, and then he - started backing up and running
536 into the apartment. Uh - I was able to maintain my grip for a while, he just - I
537 couldn't stop him, he was so big. Just kept pulling us back into the apartment,
538 we're still holding on. We - he pulls us through that hallway, and w- we're

539 coming towards the bed in the living room. At that time, I see Mr. Sterling
540 sitting on the bed. Mr. Sterling immediately jumps up, runs to the other side
541 of the room, uh, we come crashin' through, Mr. Moore breaks free of my grip,
542 falls onto the bed, um, and just starts kicking at me.
543
544 Q: Kicking.
545
546 A: Yes, with his feet.
547
548 Q: Can I interrupt? So, uh - to your recollection, uh, what is Mr. Uh, Moore's, uh,
549 gender?
550
551 A: Uh - Mr. Moore is a - is a male.
552
553 Q: Mm-hm.
554
555 A: But - I believe he's a - transgender male? Or...
556
557 Q: Okay. Um - how tall was he?
558
559 A: Maybe five nine, five ten?
560
561 Q: Okay. How much you think he weighs?
562
563 A: Uh, approximately 350 pounds.
564
565 Q: Okay. So he's a large man.
566
567 A: Yes.
568
569 Q: Okay what made you, uh, believe that he was transgender? What physical
570 appearances?
571
572 A: Uh, extremely high-pitched voice, um - and - just - I guess the - the - the facial
573 features are starting - or - look - somewhat feminine, too, and the clothing he
574 was wearing was a - was a skirt with a - like a wrap-around skirt and - and
575 kind of a tube-top upper top clothing.
576
577 Q: Did he have any type of women, uh, uh, women's make-up on?
578
579 A: No, he had long hair, and...
580
581 Q: Long hair? How long?
582
583 A: I - I believe a little past the shoulders. Uh, not too clear on that.

584
585 Q: Do you recall what the top and then the skirt looked like? To what was the -
586 what it was - what it looked - what was the description of his - top and the
587 skirt?
588
589 A: So the cop, again, is like a - a - light-colored, really thin material - uh - almost
590 like a - a l- not a lace material, but a really, really thin material, tube top that
591 kinda went, uh, a little above the belly button to the upper chest. Uh, and the
592 skirt was, uh, almost the same material, wrap-around skirt.
593
594 Q: Okay.
595
596 A: That was...
597
598 Q: Was there a certain color or pattern to it?
599
600 A: I don't remember a pattern, but - I - I just remember it was a lighter color,
601 maybe like a beige or - color, something like that.
602
603 Q: Right. How - how tall are you?
604
605 A: I'm, uh, approximately six three.
606
607 Q: Okay. How much do you weigh?
608
609 A: Two hundred and thirty pounds.
610
611 Q: So you are, um - so, you know, so you're now on the bed, and he's starting to
612 kick.
613
614 A: Yes.
615
616 Q: That's where we left off.
617
618 A: Yes.
619
620 Q: Now up to that point, would you k- would you describe Mr. Moore as a strong
621 person?
622
623 A: Yes.
624
625 Q: Okay. Would you believe that he was, uh, overpowering you and Officer
626 (Brown)?
627
628 A: Yes.

629
630 Q: Uh, so he's now laid down on this, uh, makeshift mattress that we described?
631
632 A: Yes.
633
634 Q: Is he on his stomach or on his back?
635
636 A: He's facing the wall, so he's on his left side.
637
638 Q: Okay.
639
640 A: At - at the - initially, when he first fell down.
641
642 Q: And you said he was kicking at you.
643
644 A: Yes.
645
646 Q: Um - all right, so go ahead and continue.
647
648 A: So - at that point, now that he's down, um, to prevent him from kicking me,
649 uh, I sprawl on top of his hips. So - by sprawl, I - I put the - my entire upper
650 torso on his hips, and that allows me to kinda control his legs and his hip to
651 keep him from, you know, thrashing too much and kicking me in the chest and
652 legs anymore. Um, once I'm in that position, I kinda have a good reach to his
653 right arm, 'cause it's right in front of me, so I'm able to grab his right arm,
654 force it behind him, and I - I'm able to - to get into a rear wrist lock. So now
655 I've got control of his right arm. Um - at some point, he - he r- he rolled onto
656 his stomach, and his left arm is underneath him, um, and he's not - he's not
657 givin' it up. So Officer (Brown) can't access that arm. Both my arms are tied
658 up, I can't help her at all as far as tryin' to restrain the other arm. Uh, Officer
659 (Brown) calls for a cover, I believe code three cover, and after several
660 minutes, uh, several other Berkeley police units arrive to assist.
661
662 Q: Okay. Do you recall, um - so you and Officer (Brown) are the ones inside?
663
664 A: Yes.
665
666 Q: Is - and [REDACTED] still inside as well?
667
668 A: Uh, actually, almost immediately, once he popped up, um, Officer (Brown)
669 directed [REDACTED] to go outside.
670
671 Q: He complied?
672
673 A: Yeah, he complied.

674
675 Q: Okay. Um - you and Officer (Brown) are inside, and who are the other
676 officers that came in, um - um - to assist you? Do you recall?
677
678 A: Um - the very first one to come in, I believe, was officer Smith, and then after
679 that, I remember Officer Mathis, Gardner, and Castimiler. Um - I - I don't
680 remember anyone else.
681
682 Q: Okay. So you remember inside the apartment with you and Officer (Brown)
683 is Officer (Brandon) Smith, S-M-I-T-H; Officer (Brian) Mathis, M-A-T-H-I-
684 S; Officer Tim Gardner, G-A-R-D-N-E-R; and Officer Castimiler, C-A-S-T-I-
685 M-I-L-E-R, Castimiler, correct?
686
687 A: Yes.
688
689 Q: And those are the, uh, four additional officers you recall being inside the
690 apartment, uh, with you and Officer (Brown) as you guys were, uh, fighting
691 with, uh, as you guys were struggling with off - um, Mr. Moore, correct?
692
693 A: Yes.
694
695 Q: So how did you guys eventually take control of him, if - if you did so?
696
697 A: Um, we were able to - once we got control of his arms, we used two sets of
698 handcuffs to handcuff his arms behind his back. At one point, due to his
699 kicking, uh, the - the wrap was deployed, but only the ankle strap was used.
700
701 Q: Okay. So you were successful in handcuffing him.
702
703 A: Yes.
704
705 Q: And you guys used two sets.
706
707 A: Two sets behind the back.
708
709 Q: Why?
710
711 A: Uh, due to his large size, we didn't wanna - you know, one set would not have
712 been a viable option.
713
714 Q: So the handcuffs are completely, uh, on him...
715
716 A: Yes.
717
718 Q: ...and now you are trying to restrain his legs.

719
720 A: Yes.
721
722 Q: And with the, uh, ankle strap parse- portion of the wrap device, correct?
723
724 A: Yes.
725
726 Q: Were you guys able to, uh, secure and r- restrain his legs?
727
728 A: I believe it - it was actually deployed to him.
729
730 Q: Other than being deployed, it was - he - he...
731
732 A: I mean, it was - used on him.
733
734 Q: ...wrapped it - used on him. Okay. And so now I - is he still kicking - even
735 though he's handcuffed, even though his, uh, legs are now - ankles are - are
736 tied together with the strap, is he still physically resisting?
737
738 A: Yeah, once - once he was secured, he - he still struggled. He was screaming
739 and kicking briefly, um, and before - at least to me, it appeared he - he
740 decided to - or he calmed down a little he stopped struggling so much. He
741 stopped struggling. Uh...
742
743
744 Q: Okay.
745
746 A: ...timewise - I really can't say how long it continued after - uh, it wasn't very
747 long, but - he did continue after being secured.
748
749 Q: To the best of your recollection, from the time that when you and Officer
750 (Brown) went hands-on meaning you - you took physical hold of Mr. Moore
751 to the time that he was now restrained in handcuffs, with - his ankles
752 restrained, and he has now calmed down. Can you estimate how many
753 minutes it was during that duration?
754
755 A: Oh, gosh. Maybe - I'd say anywhere between three to five minutes.
756
757 Q: Okay. So he's calmed down. Correct?
758
759 A: Yes.
760
761 Q: What did you guys do in terms of his positioning as he's calmed?
762

763 A: Once he's calmed down, um, he's no longer kicking at us, we rolled him onto
764 his side. Um - we rolled him onto his - left side.
765
766 Q: Okay. And why did you do that?
767
768 A: Uh, to prevent oxygen asphyxiation.
769
770 Q: Okay. It's part of the training that you received?
771
772 A: Yes.
773
774 Q: Okay. And while he's on his left side, he's, uh - is he still calm now at this
775 point?
776
777 A: Yes, at this point he's - he's - he's - not responding to questions, but, um - I
778 remember Officer (Brown) reporting that he was - did occur breathing, and
779 chest was moving with breath, and he did have a - a - carotid pulse.
780
781 Q: Okay. Did you at any time during the struggle, the three-to-five-minute
782 struggle you had with Mr., uh, Moore, did you at all strike him in any way?
783
784 A: No.
785
786 Q: Open hand, closed-hand, no strikes?
787
788 A: No.
789
790 Q: Did you kick him in any way?
791
792 A: No.
793
794 Q: Did you use your, uh, OC spray?
795
796 A: No.
797
798 Q: Did you use your baton?
799
800 A: No.
801
802 Q: Did you - did you use any other, uh, um, item on your duty belt that is, uh,
803 hard to strike him with?
804
805 A: No.
806
807 Q: Obviously, did you - you did not use your firearm?

808
809 A: No.
810
811 Q: Did you use the firearm in any way to, uh, his Mr. Moore?
812
813 A: No.
814
815 Q: Did you see if Officer (Brandon) Smith used any type of strikes or kicks?
816
817 A: As far as I saw, no.
818
819 Q: Did you see Officer, uh, Smith use LC?
820
821 A: No.
822
823 Q: Did you see him use a baton?
824
825 A: No.
826
827 Q: Did you see if Officer Smith ever used any type of blunt object?
828
829 A: No.
830
831 Q: Uh, from Officer Mathis. Did you see if he used any strikes or kicks?
832
833 A: No.
834
835 Q: Any OCs?
836
837 A: No.
838
839 Q: Any baton use?
840
841 A: No.
842
843 Q: Any other blunt objects?
844
845 A: No.
846
847 Q: And I'll go back, and you did not see Officer Smith nor Mathis use their
848 firearm in any way?
849
850 A: Correct.
851
852 Q: Their duty pistol?

853
854 A: Correct.
855
856 Q: Uh, for Officer Gardner, did you see him you - d- deploying any strikes or
857 kicks?
858
859 A: No.
860
861 Q: Any OCs?
862
863 A: No.
864
865 Q: Any baton use?
866
867 A: No.
868
869 Q: Any other blunt object?
870
871 A: No.
872
873 Q: Any firearm use?
874
875 A: No.
876
877 Q: Um - second to last, Castimiler, Officer Castimiler, did you see any strikes or
878 kicks?
879
880 A: No.
881
882 Q: Any OC use?
883
884 A: No.
885
886 Q: Baton?
887
888 A: No.
889
890 Q: Uh, blunt object?
891
892 A: No.
893
894 Q: Any firearm?
895
896 A: No.
897

898 Q: And lastly, for Officer, uh, (Brown), did you use - see her deploy any strikes
899 or kicks?
900
901 A: No.
902
903 Q: Any OC?
904
905 A: No.
906
907 Q: Baton?
908
909 A: No.
910
911 Q: Any other blunt objects?
912
913 A: No.
914
915 Q: And, uh, her firearm?
916
917 A: No.
918
919 Q: Okay. Was the struggle primarily - one last - on the bed itself, not on the
920 ground?
921
922 A: It was almost entirety on the bed.
923
924 Q: On the bed. And at one point - at - at what point was he l- where was he laid
925 on his side? On the bed or on the ground?
926
927 A: On his side, he was, uh, still on the - on the mattress.
928
929 Q: Okay. Oh, so you kept him on the mattress the entire time.
930
931 A: Yes. Yes.
932
933 Q: Now, uh, we left off where, um - which officer checked to see he was still
934 breathing and he had a pulse and he was fine?
935
936 A: Uh, Officer (Brown).
937
938 Q: Officer (Brown)? Okay. As - time progressed, what occurred?
939
940 A: So - I'd say maybe - maybe about a minute after - after we rolled him onto his
941 side, um - Officer (Brown) reporting that she didn't think he was breathing
942 any more, and she could no longer feel a pulse at the carotid.

943
944 Q: And she verbalized this to everybody?
945
946 A: Yes.
947
948 Man: After about a minute? Is that what you said?
949
950 A: Yes.
951
952 Q: That's - um - after about a minute from what point?
953
954 A: From rolling, uh, Mr. (Brown) - I'm sorry. After - a minute after rolling Mr.
955 Moore onto his side.
956
957 Man: That's what he said.
958
959 Q: Okay. A minute after - after rolling him onto his side.
960
961 A: Yes.
962
963 Q: Correct. Okay...
964
965 Man: That's what he said.
966
967 Q: So then, uh, now that Officer (Brown), n- announced to everybody that, uh,
968 Mr. Moore was not - Mr. Moore was not breathing and had no pulse, what did
969 you do? What did the officers do? Including yourself?
970
971 A: Uh, we immediately removed him from handcuffs. Uh - moved him to his
972 back and onto, uh, the floor so we could - start CPR. I believe - I believe
973 Officer Gw- uh, (Brown) is the one who - uh - cleared his airway or checked
974 his airway, and then, uh, I began compressions.
975
976 Q: Okay. And you began compressions.
977
978 A: Yes.
979
980 Q: Do you remember who, uh, released the handcuffs?
981
982 A: Uh, no, I don't.
983
984 Q: Okay. Do you - was the legs still restrained?
985
986 A: I don't know.
987

988 Q: Okay. So, uh, Officer (Brown) is doing the, uh, airway, and you are doing the
989 compressions.
990
991 A: Yes.
992
993 Q: Do you recall who requested, um - it - was there at any point before this or up
994 until now that the paramedics were summoned?
995
996 A: I don't know.
997
998 Q: You don't know? Okay. Do you know - or do you recall hearing who - do
999 you recall anybody requesting paramedics at this point?
1000
1001 A: Uh, yeah, I don't remember who was, but I remember hearing the request over
1002 the radio for - for fire department.
1003
1004 Q: Okay. And (unintelligible) do you recall the, uh, why the request was made
1005 over the - do you remember the words used by the...
1006
1007 A: I don't.
1008
1009 Q: Got it. But you, uh - but you - you recognized it was radio traffic regarding
1010 the request for, uh...
1011
1012 A: Yes.
1013
1014 Q: ..., uh, Berkeley Fire Department paramedics.
1015
1016 A: Yes.
1017
1018 Q: Okay. About how long do you estimate you were doing chest compressions
1019 before the paramedics arrived?
1020
1021 A: A few minutes, um - I - best guess, again, another maybe - another maybe
1022 three to five minutes...
1023
1024 Q: Okay.
1025
1026 A: ...of compressions.
1027
1028 Q: Now the fire, ambulance - paramedics arrived...
1029
1030 A: Yes.
1031
1032 Q: ...and did they take over?

1033
1034 A: Yes.
1035
1036 Q: All right. And - was, uh - and then was Mr. Moore, uh, taken by the
1037 paramedics?
1038
1039 A: Yes.
1040
1041 Q: Okay. So he was loaded up in to standard, uh, gurney, and they wheeled him
1042 away and took him a- took him down, et cetera, and took him to the hospital?
1043
1044 A: Yes. Yes.
1045
1046 Q: Okay. Were you still present when they, uh - when Mr. Moore was taken by
1047 the paramedics?
1048
1049 A: Yes.
1050
1051 Q: Okay. After the paramedics left, um - scratch that. Um - at this point were
1052 there any supervisors on scene?
1053
1054 A: Yes.
1055
1056 Q: Who's on scene?
1057
1058 A: Sergeant Phillips - and Sergeant (Cardoza).
1059
1060 Q: Do you remember - do you know, uh, at what point Sergeant Phillips and
1061 Sergeant (Cardoza) arrived?
1062
1063 A: I don't recall.
1064
1065 Q: Don't recall? Okay. Now, uh - what occurred, uh, to the best of your
1066 recollection after Mr. Phillip - Mr. Moore was taken and only the officers
1067 remained in the - what occurred - generally, what occurred after that?
1068
1069 A: Um - I'm not sure, I got tasked with escorting the ambulance to the hospital.
1070 So...
1071
1072 Q: Got it.
1073
1074 A: ...I - I traveled down the ambulance to Alta Base.
1075
1076 Q: So you - you, uh, followed the ambulance.
1077

1078 A: Yes.
1079
1080 Q: In your patrol vehicle.
1081
1082 A: Yes.
1083
1084 Q: To Alta Base?
1085
1086 A: Yes.
1087
1088 Q: Um - and they - and then Mr. Moore was taken to the emergency room?
1089
1090 A: Yes.
1091
1092 Q: Okay. Do recall, um, uh, uh, if - okay. And then after that, you stayed at the
1093 hospital.
1094
1095 A: Until relieved, yes.
1096
1097 Q: Until relieved. Who relieved you?
1098
1099 A: Uh, Officer Frankel.
1100
1101 Q: Do you recall what - the time that you were relieved?
1102
1103 A: Uh, uh, approximately 0130 hours. A little after 0130.
1104
1105 Q: Okay. And thereafter, you just returned to the station?
1106
1107 A: Yes.
1108
1109 Man: Now can you describe what the - bed was like when you guys fell onto it first?
1110 Like - what - what - uh, was a frame to it, I think you said there wasn't - was -
1111 how far it was off the ground?
1112
1113 A: Um - best of my recollection, I - I don't believe there was a frame, and I think
1114 the - the mattress was sitting on the floor.
1115
1116 Man: Okay. Was a box spring? Or...
1117
1118 A: I - I don't think...
1119
1120 Man: ...it's stood - (unintelligible) close to the ground, or - (unintelligible)?
1121
1122 A: It was very close to the ground.

1123
1124 Man: Yeah, um - okay, and then you moved him off to - for when - when you
1125 removed the handcuffs, you put him on his back, and you removed him off the
1126 bed to the hard floor, to the carpeted floor when you guys started
1127 compressions? That...
1128
1129 A: Yes.
1130
1131 Man: ...okay. Um - and then separately, I don't know if you already answered this,
1132 you don't need to reanswer it. Um - have you had a previous contact with Mr.
1133 Moore?
1134
1135 A: I can remember one previous contact, um, a while ago. Uh, it was a welfare
1136 check. Um - at a different address. And, again, I was a cover officer, so I
1137 don't remember too much, but I remember it was a - another welfare check, a
1138 5150 eval. Evaluation.
1139
1140 Man: Do you remember if he was transported?
1141
1142 A: Uh - he was not transported at that time.
1143
1144 Man: What about the, uh, other two parties, either of them, either Mr. Sterling or,
1145 uh, Mr. uh, (Hayes)? Have you had contact with them previously?
1146
1147 A: I don't - remember any previous contacts with them.
1148
1149 Man: Okay. Thank you.
1150
1151 Q: Um - actually, I have a quick question. Do you know why independent, uh,
1152 why based on radio traffic, based on what officers told you when you guys
1153 first arrived, why you were summoned there in the first place?
1154
1155 A: To the address?
1156
1157 Q: Yeah, to the address.
1158
1159 A: Yeah, we went there - initially, it was a - a - the initial call notes were like a
1160 roommate disturbance, in the notes, uh, the roommate was - saying his, uh, I
1161 guess he got into an altercation - the reporting party reported he got into an
1162 altercation with his roommate, who was schizophrenic and off medications.
1163
1164 Q: All right. And, um - are you, um - are you 11 5 50 qualified or DRE?
1165
1166 A: No.
1167

1168 Q: Okay. Um, do you recognize based on your training experience when a
1169 person is under the influence of some type of narcotic substance?
1170
1171 A: Yes.
1172
1173 Q: Okay. Would you describe Mr., uh, Moore as being under the influence of
1174 some type of narcotic substance?
1175
1176 A: Appeared to be, yes.
1177
1178 Q: Appeared to be, okay. Um - would you describe Mr. Moore as having, um -
1179 being - having - drunk in any way, like the general object of symptoms of
1180 somebody under the influence of alcohol?
1181
1182 A: Uh - I didn't notice the objective - objective symptoms of alcohol, but I wasn't
1183 really very close, paying super-close attention in the initial contact.
1184
1185 Q: Okay. Do you recall inside the apartment in plain view if you saw any kind of
1186 contraband, illegal - legal items in the apartment?
1187
1188 A: I don't.
1189
1190 Q: Okay.
1191
1192 Man: Were you advised at any point by any parties who were on scene whether
1193 there were weapons, uh, in the presence?
1194
1195 A: Not that I can recall.
1196
1197 Man: Okay.
1198
1199 Q3: Did, uh - (Harry) Stern with a couple of questions. At any point, did Mr.
1200 Moore express, uh, the fact that he was having trouble breathing or needed
1201 medical assistance?
1202
1203 A: No.
1204
1205 Q3: And is it fair to say that during the course of the struggle, up unto a certain
1206 point, he was yelling or speaking or making noises?
1207
1208 A: He was screaming. Loudly.
1209
1210 Q3: Okay. And - can you pinpoint a place in time where that stopped, if it
1211 stopped?
1212

1213 A: Um - it - it stopped when - he stopped screaming at the same time he stopped
1214 kicking and struggling.
1215
1216 Q3: And where - where was he placed - where was he physically at that point?
1217 Was he on his side, on his stomach...
1218
1219 A: At that point, he was still prone on his stomach.
1220
1221 Q3: Okay. And did he continue - verbalizing at all once he was rolled onto his
1222 side in a position of recovery?
1223
1224 A: No.
1225
1226 Q3: Let me check something out. Was he put on his side - in response to
1227 anything? Or as just part of the standard practice of how you handle suspects?
1228
1229 A: It's - pretty standard. It's - once they're not combative, put 'em on their side.
1230
1231 Q3: At any point in time did you observe anyone placing their body weight on Mr.
1232 Moore's upper body...
1233
1234 A: Upper body...
1235
1236 Q3: ...while he was in prone position?
1237
1238 A: Not on the upper body.
1239
1240 Q3: Did it appear to you at least from your vantage point that based on his position
1241 and where the - officers were that Mr. Moore would be able to breathe?
1242
1243 A: I'm sorry, can you repeat that?
1244
1245 Q3: Sure. From your vantage point, where you - where you were, uh, during this
1246 struggle, could you - form an opinion about whether or not Mr. Moore could
1247 breathe, uh, when he was in the prone position?
1248
1249 A: He - he appeared able to breathe.
1250
1251 Q3: Okay.
1252
1253 A: And the fact that he was yellin' at us - kinda indicated to me that he was still
1254 breathing.
1255
1256 Q3: Which direction was his head facing? Was it tilted one way or the other or
1257 straight ahead?

1258
1259 A: If I remember correctly, when he was prone, his face was tilted to his right.
1260
1261 Q3: At any point, did anybody put any pressure on his neck or on his head?
1262
1263 A: No.
1264
1265 Q3: I don't have any other questions.
1266
1267 Q2: Yeah, you - you were talking about, um - what Mr. Moore was saying
1268 verbally around the time that Officer (Brown) informed him that he had a
1269 warrant, and he started getting more angry. What was he doing physically
1270 around that time?
1271
1272 A: He was - he seemed real antsy, kinda fidgety, he was - he couldn't stand still,
1273 was - was - kinda rockin' back and forth and stuff, movin' his arms around,
1274 and - and lookin' all over. His...
1275
1276 Q3: Was he sweating?
1277
1278 A: I don't remember.
1279
1280 Q2: That's it for me.
1281
1282 Q3: Big (John)? Anything else you wanna add?
1283
1284 A: No.
1285
1286 Q: Thinkin'. Give me a - give me a second., uh - uh, you had a chance to speak
1287 with Mr. Hayes, the reporting party, correct?
1288
1289 A: I - I didn't speak to him.
1290
1291 Q: Oh, you didn't speak to him at all. No conversation took place.
1292
1293 A: No.
1294
1295 Q: Okay. Got it. Did you - did you question him in any way as to, uh, why he
1296 called or what was Mr. Moore's, uh, condition was et cetera, et cetera?
1297 (Unintelligible)?
1298
1299 A: No. When he walked up, I just directed him to Officer (Brown), 'cause she's
1300 the handling officer.
1301
1302 Q: Got it. So you had no conversation with Mr. Hayes.

1303
1304 A: No.
1305
1306 Q: Okay. All right. Um, concludes the interview with Officer Kenneth Tu, T-U,
1307 1615 hours, that's 4:15 pm, Wednesday, February 13.
1308
1309
1310 This transcript has been reviewed with the audio recording submitted and it is an accurate
1311 transcription.
1312 Signed _____

INTERVIEW WITH OFC. (BRANDON) SMITH

Q=Sgt. Hong

Q1=Det. Johnson

Q2=(Sarah) Burdick

A=Ofc. (Brandon) Smith

1
2
3
4
5
6
7
8
9
10
11
12
13
14 Q: February 13, 2045 hours. Interview with Officer (Brandon) Smith. I am
15 Sergeant Hong, H-O-N-G.

16
17 Q1: Detective Johnson, J-O-H-N-S-O-N, badge 26.

18
19 Q2: (Sarah) Burdick with (Raines), (Luche), (Estern), B-U-R-D-I-C-K.

20
21 A: Officer Smith - Officer (Brandon) Smith, S-M-I-T-H, badge number 3.

22
23 Q: All right. Officer Smith, could you state your rank and badge number?

24
25 A: I am an Officer, badge number 3.

26
27 Q: And what was your uh, hi- what was your hire date with um, BPD?

28
29 A: Uh, sworn date was December 13 of 2002.

30
31 Q: Do you have any prior law enforcement experience prior to uh, BPD?

32
33 A: No.

34
35 Q: Uh, which Patrol Operations Team did you work yesterday's shift?

36
37 A: Team 4.

38
39 Q: Is that your normal uh, patrol team?

40
41 A: Yes.

42
43 Q: From here on out if I say yesterday I'm referring to February 12, Tuesday.
44 Okay?
45

46 A: Correct.
47
48 Q: Today is currently February 13, Wednesday. Um, what are your normal days
49 worked and normal hours worked?
50
51 A: Monday through Thursday, 8:30 pm to 6:30 am.
52
53 Q: What was your call sign during your shift yesterday?
54
55 A: 4 Adam 5.
56
57 Q: What beat is that uh, area?
58
59 A: Beat 5.
60
61 Q: Okay. Uh, who are your supervisors for yesterday's shift?
62
63 A: Sergeant Phillips and Sergeant Huynh.
64
65 Q: Sergeant Huynh is spelled uh, H-U-Y-N-H, Phillips P-H-I-L-L-I-P-S. Are
66 they your normal supervisors?
67
68 A: Yes.
69
70 Q: Uh, prior to yesterday's shift when was the last shift you worked?
71
72 A: The night prior.
73
74 Q: Thank you. Which would be Monday?
75
76 A: Correct.
77
78 Q: Correct. Uh, do you hold any other secondary jobs or occupations?
79
80 A: No.
81
82 Q: Um, did you work any overtime prior to yesterday's shift?
83
84 A: No.
85
86 Q: Have you taken any medication, prescription or otherwise?
87
88 A: Uh, only over the counter vitamins.
89
90 Q: Have you consumed a- any alcohol in the past 24 hours?

91
92 A: No.
93
94 Q: Do you have any medical conditions?
95
96 A: No.
97
98 Q: Prior to yesterday's shift when was the last time you slept and how long?
99
100 A: Uh, I slept when I got off of work um, which would have been Tuesday
101 morning approximately 8:00 am and I woke up at approximately 2:30 to 3
102 o'clock in the afternoon.
103
104 Q: Okay. Did you sustain any injuries during yesterday's incident?
105
106 A: No.
107
108 Q: Do you wear corrective eyeglasses or contact lenses?
109
110 A: Yes.
111
112 Q: What were you wearing yesterday?
113
114 A: Contact lenses.
115
116 Q: Regarding your uniform and duty belt, starting from the front belt buckle
117 going clockwise would you describe what - could you describe what duty gear
118 is on your duty belt?
119
120 A: I have uh, a key silencer with keys. Next to that I have uh, a set of handcuffs
121 with a carrying case. To the right of that I have my duty weapon holster. Uh,
122 to the right of that as we circle around towards my back I have my OC
123 canister. On the left rear side I have a flashlight holder. Did not actually have
124 a flashlight in it. Um, next to that I have my radio holder and my radio. Next
125 to that I have a baton ring. Next to that I have an asp. Uh, then directly in front
126 on the left side I have my magazine case with magazines.
127
128 Q: All right. Did your duty belt or gear sustain any damage?
129
130 A: No.
131
132 Q: What vehicle make and model were you driving during yesterday's shift?
133
134 A: It was a Ford Crown Vic. Um, the City identifier is 1744.
135

136 Q: And what kind of markings and emergency equipment is on this vehicle?
137
138 A: It's a black and white patrol vehicle with a Berkeley Police emblem on the
139 front doors, both driver and passenger side. It has LED lights on the top.
140
141 Q: Okay. LED lights are the emergency lights?
142
143 A: Correct.
144
145 Q: Do you normally drive this particular vehicle?
146
147 A: Yes.
148
149 Q: Were you a single officer vehicle or a double officer vehicle?
150
151 A: Single.
152
153 Q: All right. So you've prepared a supplemental police report regarding this
154 incident, correct?
155
156 A: Yes.
157
158 Q: All right. And you have it in front of you at this time. Could you please read
159 your police report uh, verbatim and uh, you know, we can listen - hear what
160 your police report reads?
161
162 A: Yes. Case Supplemental: On 2-12-13 at approximately 2354 hours I was
163 dispatched to 2116 (Alston) Way, Apartment 514 as a cover officer to a report
164 of a 5150 off their medication. I arrived on scene and met with Officer
165 (Brown), badge 16, and Officer Tu, badge 38, IFO the address. The RP
166 (Hayes) walked up to us and led us into the apartment complex. He said that
167 his roommate, (Moore), had kicked him out and needed to be 5150'ed. I went
168 upstairs with Officer (Brown), Officer (Tus) - Officer Tu, and (Hayes).
169 (Hayes) unlocked the apartment front door and Officer (Brown) called out to
170 (Moore). (Moore) came to the door and stepped out onto the landing and
171 appeared very agitated and angry. Officer (Brown) began speaking with
172 (Moore). And after Officer (Brown) verbally identified him, I conducted a
173 records check of (Moore) and (Hayes) with Telecom. During this time
174 (Moore) grew increasingly agitated and had difficulty staying on topic.
175 (Moore) was at times incoherent and rambled on about the F- FBI watching
176 him. (Hayes) was found to have a \$5000 warrant out of San Francisco. I told
177 (Hayes) about his warrant and that he was going to be arrested. (Hayes) was
178 cooperative and I walked him downstairs. I placed (Hayes) in handcuffs and
179 began to search him incident to arrest when over the police radio I heard
180 Officer (Brown) request Code 3 cover. I placed (Hayes) in the back seat of my

181 patrol car and ran back upstairs to Apartment 514. (Moore) was on the bed on
182 his stomach resisting Officer Tu and Officer (Brown). Officer Tu had
183 (Moore)'s right wrist in a handcuff and Officer (Brown) was trying to gain
184 control of (Moore)'s left wrist. I helped Officer (Brown) get (Moore)'s left
185 arm behind his back so that he could be placed in handcuffs. During the
186 incident (Moore) continued to struggle and pull his arm away from us. As
187 soon as (Moore) was placed into handcuffs other officers arrived and I went
188 back downstairs to ensure that (Hayes) was still in the back of my vehicle and
189 okay. I removed (Hayes) and searched him, removing all of his property from
190 his person and placed it into a paper bag. Officer (Kaplan) transported (Hayes)
191 to the Berkeley Jail and booked him for his warrant. I contacted (Hayes) in the
192 Berkeley Jail and obtained a signed written statement from him. (Hayes) said
193 in summary that he lives with (Moore) at 2116 (Alston) Way, Number 514.
194 And they have known each other for about 15 or more years. He said that
195 (Xavier) has used many drugs on a regular basis since he has known him and
196 that he mostly uses crack and methamphetamine as well drinks alcohol daily
197 to get drunk. He said that on 2-12-13 when he returned home around 5:00 to
198 6:00 pm that (Moore) was high on methamp- phetamine and was drunk. He
199 said that when (Moore) is high and drunk he is mean and wants to fight. He
200 said that (Moore) asked him for money to buy more alcohol and he told
201 (Moore) no. (Hayes) said that (Moore) became very angry and wouldn't leave
202 him alone. They were arguing and (Hayes) said that because he has a temper
203 he decided to try to ignore (Moore). (Moore) then told him to just leave.
204 (Hayes) said he then called the police who took him to the apartment where
205 they spoke with (Moore). He said that (Moore) was acting ziggity boom like a
206 motherfucker, quote, end quote. When asked what that meant (Hayes) said
207 that he was acting like he does when he's really high and drunk, quote, end
208 quote. (Hayes) said that (Moore) had threatened him earlier and thought that
209 (Moore) would attack him and that is why he left. He said that (Moore) had a
210 history of violence and he had stabbed someone in San Francisco a few years
211 pri- prior. See (Hayes)'s signed written statement for further. Nothing further
212 to report.
213

214 Q: Okay. Do you have any (unintelligible)?

215
216 Q2: I do. Yes.

217
218 Q: All right. So you were on routine patrol. And were you dispatched to this call?

219
220 A: I was.

221
222 Q: And you were dispatched along with which officer?

223
224 A: Officer (Brown).
225

226 Q: And who else?
227
228 A: Officer Tu was in the area and attached himself to the call.
229
230 Q: And you were um, I'm sorry - Adam uh...
231
232 A: Adam 5.
233
234 Q: ...Adam 5. Okay. Did you - did you all arrive approximately about the same
235 time together?
236
237 A: Officer Tu and Officer (Brown) were on scene when I arrived. Um, and they
238 had just arrived.
239
240 Q: All right. And when they arrived were they already speaking with Mr. (Hayes)
241 or - or...
242
243 A: No. They were standing IFO the apartment complex.
244
245 Q: Okay. And so when you arrived the three of you spoke to Mr. (Hayes)?
246
247 A: Yes.
248
249 Q: Okay. Um, um, do you recall um...
250
251 Q2: Did you want to ask me something?
252
253 Q: Huh?
254
255 Q2: Did you want to ask me something?
256
257 Q: No.
258
259 Q2: Oh, okay.
260
261 Q: And again a summary of what Mr. (Hayes) told you again to the best of your
262 recollection?
263
264 A: Um, he was very upset about being kicked out of his apartment. He said that
265 his roommate um, was uh, was a psy- or schizophrenic, was not on medication
266 um, and was drunk and high. Basically it sounded like there was a - an
267 argument about why he got kicked out. And he believed that um, (Moore)
268 needed to be taken to a psychiatric facility.
269
270 Q: Did he say why?

271
272 A: He just said he needs to be 5150'ed. He's crazy.
273
274 Q: He used that term - 5150?
275
276 A: Yes.
277
278 Q: Okay. Did he say anything about weapons or anything like that?
279
280 A: Um, when we asked if there was any weapons - if he had any weapons he said
281 that there was uh, there were knives in the kitchen but that he didn't know that
282 - if (Moore) had any on him.
283
284 Q: Okay. Did he tell you if anybody else other than (Moore) was in the
285 apartment?
286
287 A: Uh, he did not.
288
289 Q: Okay. And uh, based on this information you - all four of you now just
290 proceeded back up to the uh, apartment?
291
292 A: Correct.
293
294 Q: Okay. Um, did you bring any special equipment with you other than your
295 standard duty belt and your uniform?
296
297 A: No.
298
299 Q: So yourself, Officer (Brown), Officer Tu, and Mr. (Hayes) go up to the
300 apartment. And when you arrived uh, at uh, Apartment 514 was the door open
301 or closed?
302
303 A: It was closed.
304
305 Q: Okay. Uh, who uh, and Mr. - you said Mr. (Hayes) assisted in entry? Is that
306 correct?
307
308 A: Correct. He used his key to unlock and open the door.
309
310 Q: Mm-hm.
311
312 A: And then he stepped to the side.
313
314 Q: Okay. Uh, were you at this point able to see inside?
315

316 A: Um, it was only cracked maybe 6 inches. So what I could see was just a wall.

317
318 Q: Which officer to your best recollection was the first to address Mr. (Moore)?

319
320 A: Uh, that would have been Officer (Brown).

321
322 Q: Okay. Do you recall what she said?

323
324 A: Uh, she - I think she yelled out um, "(Xavier)," which is Mr. (Moore)'s first
325 name. Um, she yelled out, "(Xavier)," um, and I heard somebody answer and
326 come to the door. And then a conversation started.

327
328 Q: Okay. And when - and Mr. (Xavier) uh, came to the door did he step outside
329 the threshold or did he stay - stay in the doorway?

330
331 A: He opened the door and stepped partially out onto the landing.

332
333 Q: Okay. And that's where uh, he continued the conversation with Officer
334 (Brown)?

335
336 A: Correct.

337
338 Q: While Officer (Brown) is en- is engaging Mr. (Moore) in conversation uh,
339 what were you doing?

340
341 A: Um, I was just listening and being a cover officer. Uh, the - the landing we
342 were on, there was uh, like 4 foot from the door was just a railing and then a
343 drop five floors. So if anything went bad I wanted to make sure that we
344 weren't gonna get thrown over the - the landing. So I was - I was in close
345 proximity.

346
347 Q: Okay. L- how many feet away were you from m- Officer (Brown) and Mr.
348 (Moore)?

349
350 A: Um, 4 feet.

351
352 Q: Okay. So you can overhear their conversation?

353
354 A: Yes.

355
356 Q: What was the summary of Officer (Brown)'s conversation with Mr. (Moore)?

357
358 A: Um, they were speaking - Officer (Brown) was asking questions about what
359 was going on um, informing more why we were called. And um, (Moore) was
360 r- their r- his replies were um, very random and not on topic.

361
362 Q: You mentioned he - he - he spoke of the FBI?
363
364 A: Correct.
365
366 Q: Okay. What was he saying about the FBI?
367
368 A: Um, that the FBI was watching him. Um, I recall him saying something
369 similar to um, that he had to talk to the FBI to see if he could speak with us
370 because he wasn't sure that we were police. Um, I think that's kind of - that -
371 that came up several times during the entire conversation.
372
373 Q: Now during this period of time while you were observing um, Mr. (Moore)
374 did you notice if he was under the influence of any type of drug o- drug or
375 alcohol?
376
377 A: Um, he appeared to be under the influence of some sort of narcotics. His
378 pupils appeared to be dilated. Um, he was very, very fidgety um, constantly
379 pulling his clothes, scratching at his body um, could not sit still, hands were
380 constantly moving in motion. Uh, he had hard time standing still as well.
381
382 Q: Okay. I forgot to ask but w- how was he dressed?
383
384 A: Uh, he was wearing a blouse of some sort that was uh, like a half shirt so his
385 belly was exposed. Um, I think it was more of a - I don't even know what
386 they're called um, but it was tight above the chest, went under the armpits.
387 Can you help me with that? Do you know what those are called? Halter top?
388
389 Q2: Tube top?
390
391 A: Tube top - kind of a tube top with the bottom being high so the belly was
392 exposed and a skirt. I believe it was flower print um, that was probably knee
393 high.
394
395 Q: Okay. Do you remember what color this flower print skirt was?
396
397 A: Multi-colored.
398
399 Q: Bright colors or earthly tones?
400
401 A: I don't recall.
402
403 Q: Okay. Um, now uh, did m- did Officer uh, (Brown) give any direct orders to
404 Mr. (Moore) at this point while you guys are still outside the apartment?
405

406 A: On - on multiple times s- um, Officer (Brown), trying to get (Moore)'s
407 attention um, and trying to speak with him, he kept interrupting. So on - on
408 several occasions she told him to stop talking and listen to what I'm saying.
409 Um, and that was pretty much - that - that occurred multiple times as well.
410
411 Q: Okay. And you said at one point you used a - your police radio to conduct a
412 uh, records check and warrant check on - if I'm correct Mr. (Moore) and Mr.
413 (Hayes). Is that correct?
414
415 A: That is correct.
416
417 Q: Okay. Who prompted you to do that?
418
419 A: Um, nobody. I was - as a cover officer it's kind of typical of what I do. Um,
420 the handling officer engages in conversation, tries to figure out what's going
421 on, and while that process is happening usually th- as a cover officer I will get
422 the information if they've got it written down, step to the side a little bit, and
423 uh, do a records check. It tends to move the process along a little quicker.
424
425 Q: Okay. So you used a radio and you did a records check. What did you find out
426 about Mr. (Hayes)?
427
428 A: I found out Mr. (Hayes) had a \$5000 warrant out of the City of San Francisco
429 for - I believe it was for 594 um, and a couple - I - I think at least one, maybe
430 two, smaller warrants out of San Francisco as well. I think they were
431 municipal codes 'cause it wasn't something that I recognized.
432
433 Q: Okay. What did you find out about Mr. (Moore)?
434
435 A: Um, I found out that there were caution codes associated with Mr. (Moore) for
436 PC245, assault with a deadly weapon. And that was it.
437
438 Q: Um, having learned that uh, bo- uh, there was a caution code on Mr. (Moore)
439 and there was a warrant attached to Mr. (Hayes) um, what - what happened
440 thereafter - after you learned this information?
441
442 A: Um, I - I told Officer (Moore) - or I mean sorry - Officer (Brown) out loud
443 um, using police code that um, (Hayes) had a 5K out of San Francisco for 45-
444 or 594 is what I told her um, and that I told Telecom that we were gonna stand
445 by for confirmation 'cause I didn't know what - if she wanted to arrest him or
446 not at that point. Um, and then I didn't say anything about (Moore) verbally
447 um, but on the field investigation card I - I handwrote below the name um, uh,
448 caution code 245 and handed it to Officer (Brown).
449
450 Q: And - and you made sure that she read that part - portion of...

451
452 A: I pointed at it when I handed it to her.
453
454 Q: Right.
455
456 A: And it appeared that her eyes went to it.
457
458 Q: Okay. Did Mr. (Moore) have a warrant of any sort?
459
460 A: I did not get anything back from Telecom saying that he had a warrant.
461
462 Q: Mm-hm.
463
464 A: Um, prior to me arriving on scene um, something that I commonly do, if
465 there's a um, if there is a person who is involved in the incident or the call that
466 comes in and I have a name I will run that name to see who it is that I'm
467 gonna be dealing with potentially. Um, and I did do that with (Moore) on my
468 way there. And a 10K warrant out of San Francisco came up but I didn't have
469 a birth date. So I did not know for certain if that was them or not but when I
470 ran his name through Telecom they didn't come back with any warrant.
471
472 Q: With the exception of the cau- with - with...
473
474 A: With (Hayes).
475
476 Q: Yeah, with - with (Moore) - with the exception of...
477
478 A: Of the caution code.
479
480 Q: ...the caution code.
481
482 A: Correct.
483
484 Q: All right, but you - you suspected Mr. (Moore) had a \$10,000 warrant based
485 on your research but without the - without the birth date? Did you believe it
486 was him at the time?
487
488 A: I wasn't sure.
489
490 Q: Okay. All right. So um, at what point was Mr. uh, who decided to take Mr.
491 (Hayes) on the warrant - Mr. (Hayes)?
492
493 A: Um, Officer (Brown) 'cause I told - when I told her that we were - I was
494 standing by to confirm the war- warrant she said, "We might as well take

540
541 A: They were still speaking with (Moore).
542
543 Q: On the landing.
544
545 A: Correct.
546
547 Q: Got it, okay. So you made it down and you heard a radio traffic uh, that uh,
548 prompted you uh, to believe that uh, did you believe that Officer (Brown) and
549 Officer needed immediate assistance?
550
551 A: Absolutely.
552
553 Q: Okay. So what did you do with Mr. (Hayes)?
554
555 A: Um, I told Mr. (Hayes) you need to get in the back of my car. Um, he
556 cooperated. I put him in the back seat of my car, locked the doors, ran towards
557 the front door of the apartment complex, it was locked. Uh, so I went back to
558 Mr. (Hayes)'s property, actually to Mr. (Hayes) 'cause he had his keys still
559 around his neck, I took the keys off of his neck, asked him which key opened
560 the door, he told me, I opened the front door, I went upstairs and went to the
561 apartment.
562
563 Q: Okay and when you left Mr. (Hayes) in the back of your car, that means you
564 have a patrol vehicle with a restraint compartment in the back of your patrol
565 vehicle correct?
566
567 A: It is a caged unit yes.
568
569 Q: Caged unit, and - and you locked the doors before leaving Mr. (Moore) and
570 going back upstairs.
571
572 A: Yes I did.
573
574 Q: Um, so you went back upstairs, you come out of the elevator, and you go back
575 to the apartment. When you get to the landing and you look, was the door still
576 open, the apartment door?
577
578 A: Yes.
579
580 Q: Where was Officer uh, Tu and Officer (Brown)?
581
582 A: They were inside, I couldn't see, when I exited the elevator I could not see
583 them.
584

585 Q: Okay.
586
587 A: Though I saw the door was still open, there were a couple neighbors who were
588 looking out and as I ran they just kind of pointed.
589
590 Q: Okay.
591
592 A: And so I went into the apartment.
593
594 Q: Okay so when you went into the apartment and what was the first thing you
595 observed when you uh, looked inside the apartment?
596
597 A: Uh, I saw Officer Tu um, looked like he was behind uh, (Moore) who was on
598 his belly on a mattress. Um, and Officer (Brown) was on the left side of
599 (Moore) trying to grab uh, an arm.
600
601 Q: Okay. So you saw Officer (Brown) grabbing for the left arm.
602
603 A: Correct.
604
605 Q: And when you saw Mr., Officer Tu behind Mr. (Moore) can you describe a
606 little bit more in detail uh - uh, what he was, what Mr., what Officer Tu was
607 grabbing in terms of Mr. (Moore)'s body.
608
609 A: He had uh, he was - he was mostly laying on uh, (Moore)'s legs um, and kept
610 getting bucked up in the air. Um, and he had (Moore)'s right arm back behind
611 his back, um, and at that time I didn't realize it but he had, actually had a
612 handcuff on that hand.
613
614 Q: On the right hand.
615
616 A: Correct.
617
618 Q: When you said that Officer Tu was getting bucked by Mr. (Moore) does that
619 mean Officer Tu was on top of Mr. (Moore) at that time, but more towards the
620 lower half of his body you were saying?
621
622 A: Yes.
623
624 Q: Okay. When you say uh, and so he was trying to restrain Mr. (Moore) he had
625 a cuff on his right arm, and but he was essentially uh, wo- would you say that
626 Officer Tu was using his weight to control Mr. (Moore) at that point?
627
628 A: Um, yeah somewhat.
629

630 Q: Okay, all right. Um, and was Mr. (Moore)'s body completely on the mattress
631 or just half his body?
632

633 A: He was, I think he was kind of at an angle so his feet were probably more on
634 the floor area.
635

636 Q: Okay, all right. Um, was there anybody else in the apartment?
637

638 A: Not that I was aware of.
639

640 Q: Okay. And still at this point of the incident it was just you, Officer (Brown),
641 and - and Officer Tu...
642

643 A: Correct.
644

645 Q: ...with Mr. (Moore) okay. Um, how - how tall and heavy would you describe
646 Mr. (Moore) to be?
647

648 A: Um, roughly 5'10'' I would say real close to 370, 370 pounds, uh, maybe
649 pushing 400.
650

651 Q: Okay. Um, so when you went in and you saw the struggle what did you do
652 immediately when you, upon entering?
653

654 A: Um, I immediately went to the left side of (Moore) tried to figure out what -
655 what to grab. Um, and Office Tu said, "Get his left arm." And his left arm was
656 under his body, um, and it wouldn't come out. I was trying to pull on it a little
657 bit and it would not come out from under his body. So I told Officer Tu let's
658 roll him to the left um, to get the body, his body weight off of that arm. 'Cause
659 we had control of the right arm, I was gonna try to roll to the left to get the
660 body weight off of his arm that was under his body. So I grabbed uh, around
661 the bicep um, or elbow area of the right arm that Officer Tu had and pulled,
662 rolling (Moore) to his left side. As - as I did that (Moore)'s left arm came out
663 from under his body, and up above towards his head. And Officer (Brown)
664 grabbed his wrist. At that point I rolled him back to his belly, um, and there
665 was limited space with Officer (Brown) and myself on the left side 'cause
666 there was a wall right there, so I could not reach up and grab the arm. Officer
667 (Brown) was struggling trying to get the arm back behind the back uh, back
668 behind (Moore)'s back. And so I grabbed his, I believe I grabbed his fingers
669 um, and told Officer (Brown), "Move out of my way." And I think I told her
670 twice, and finally she backed way and then I was able to gain control of the
671 arm and pull it behind the back.
672

673 Q: Okay. So after you pulled the arm behind the back uh, um, were you then at
674 that point able to handcuff Mr. (Moore) or it took some more struggles?

675
676 A: At that point Officer (Brown) said, "We're gonna need two handcuffs." And
677 asked me if I had mine, I told her mine were on my prisoner in my car. Um,
678 and I'm not sure if Officer Tu pulled out a - a set or where another set came
679 from, but another set appeared, um, they clasped one set with the set that was
680 already on his right wrist, and then we attached 'em to the left wrist.
681
682 Q: Okay. So the handcuffing was completed and successful by the three of you?
683 Or at that point had other officers arrived?
684
685 A: At that point I believe it was just us three.
686
687 Q: Were able to handcuff him.
688
689 A: Yes.
690
691 Q: Okay at that point. Now at that point had officers started, other officers had
692 started to arrive?
693
694 A: Yes other officers were - were coming in while we were finalizing the
695 handcuffing.
696
697 Q: I got it.
698
699 A: Um, and then I turned around and saw a few officers standing directly behind
700 us. Um, the person was in custody uh, or handcuffed, detained, and I kept
701 seeing more officers, like I think I saw a Sergeant come in, um, and at that
702 point I said, "I have got to go back downstairs, I have a prisoner in my car
703 handcuffed." So I wanted to go back down and make sure that they were okay.
704
705 Q: Okay. Mr. (Moore) is successfully handcuffed, other officers have arrived,
706 and uh, is he still fighting at this point?
707
708 A: Yes he's kicking, screaming, cussing, um, just very, very animated, very
709 angry, bucking, trying to pull his arms back, all kinds of stuff.
710
711 Q: Well during the time when you, Officer Tu and Officer (Brown) were
712 struggling with Off- with Mr. uh, (Moore) was he yelling something? Yelling
713 anything to you? Saying anything?
714
715 A: Yeah he just kept yelling uh, I believe I heard fuck you, um, stop, I'm not
716 gonna go, um, just a lots of, lots of rambling. Um, and we kept telling him to
717 stop resisting. Uh, just give us your arm, just give us your arm. And he kept
718 saying no I'm not going to.
719

720 Q: Okay. Uh, so he's successfully handcuffed, he's still struggling, uh, what, uh,
721 when you were leaving okay to go down to Mr. (Hayes) that's still in the back
722 of your police car...

723
724 A: Yes.

725
726 Q: ...when you were leaving what's the last thing you see Mr. (Hayes) and the
727 officer, what's the last picture you see of what was going on inside when, as
728 you left the apartment?

729
730 A: Last picture I saw was um, Officer, Officer Tu um, moved off of (Moore), off
731 to the right side, and was just holding the arm. Officer (Brown) I believe had
732 completely let go of (Moore). Um, and there were two or three officers, and as
733 I was walking out I believe I saw Sergeant (Phillips) coming in with a wrap,
734 saying, "I have a wrap."

735
736 Q: At the time when you were leaving to go back to Mr. (Hayes) in addition to
737 Officer (Brown) and Officer Tu, and you've mentioned Sergeant (Phillips)
738 arrived, what other officers could you recall wh- came at that point and time?

739
740 A: I believe Officer Mathis was there, um, Officer (Gardner), and I believe that
741 uh, Sergeant Cardoza was also um, in there.

742
743 Q: Okay. And when you left was Mr. (Moore) on, still on his stomach, on his
744 front side uh, on uh, still partially on top of the mattress is that correct?

745
746 A: Correct.

747
748 Q: Okay. Uh, but nobody was on top of him at that point was, were they?

749
750 A: That's - that's correct.

751
752 Q: Okay, nobody was on top of him when - when you last saw him.

753
754 A: When I last saw him that is correct.

755
756 Q: Okay, got it. And uh, but he was still actively resisting as you said.

757
758 A: Yes.

759
760 Q: Okay so you went down and got in the elevator to your car, what - what
761 happened when you got to your car?

762

763 A: Um, I - I di-, went directly to my car, I pulled uh, Mr. (Hayes) out of the car,
764 and uh, made sure that he was okay. And then continued on with my search of
765 him to empty his pockets to take him to jail for his warrants.
766

767 Q: And so at, did, after you did, completed the search did you drive back towards
768 the station?
769

770 A: No I uh, after I completed the search I put him back in my patrol car, um, and
771 then I waited um, in front of the address because I heard radio traffic where
772 they were asking for um, for an ambulance. Uh, they were asked for BFD uh,
773 with a gurney, and shortly thereafter I - I heard them say I wanna say they said
774 uh, he stopped that the subject had stopped breathing, starting CPR. Um, and
775 so at that point I figured I - I needed to stick around rather than just take
776 (Hayes) to the jail.
777

778 Q: Okay.
779

780 A: So (Hayes) stayed in my car, and I stayed in front of the address.
781

782 Q: Okay so but, okay got it. Uh, at what point did uh, at what point I understand
783 you gave custody of Mr. (Hayes) to Officer (Kapland)?
784

785 A: Correct.
786

787 Q: Okay. How did that, why, and how did that transfer?
788

789 A: After - after a little while BFD came down with uh, Mr. (Moore) on a gurney,
790 uh, put him in the ambulance and drove away.
791

792 Q: Mm-hm.
793

794 A: Um, and at that point I went over to Sergeant Ross who was standing in - in
795 front of the address and said, "Due to the situation is it, is there a possibility I
796 can get one of the other Officers down here who's not involved um, to
797 transport (Hayes) and book him into the jail?" And that's when Officer
798 (Kapland) said that he would do it.
799

800 Q: Officer (Kapland) was outside with...
801

802 A: Correct.
803

804 Q: ...Officer Ross at the time.
805

806 A: Yes.
807

808 Q: Do you remember if Officer (Kapland) or Ross went upstairs at any point?
809
810 A: I do not recall that.
811
812 Q: Okay. So you transferred custody of Mr. (Hayes) to Officer (Kapland) at this
813 point.
814
815 A: Correct.
816
817 Q: Okay. After you give transfer of custody of Officer, of (Hayes) to Officer
818 (Kapland) what did you do thereafter?
819
820 A: Uh, I just stayed in front waiting for um, any new orders or - or uh, the - the
821 next step of what I was supposed to do.
822
823 Q: Got it. Uh...
824
825 A: To aid in whatever.
826
827 Q: And did you at all, were you tasked with anything after, while you were still
828 out front?
829
830 A: While I was out front Sergeant (Phillips) um, called me on my cell phone and
831 asked me to, if I still had (Hayes) with me, I told her no that (Kapland),
832 Officer (Kapland) had taken him to the jail to book him. And she asked me to
833 go to the jail, um, and get a statement from (Hayes) to find out um, what had
834 transpired what - what happened previously in the night to us coming out, um
835 and any kind of medical issues that (Moore) may have had.
836
837 Q: So at that point you left to go to the station to interview (Hayes)?
838
839 A: That is correct.
840
841 Q: Okay. You never went back upstairs to the apartment.
842
843 A: I did not.
844
845 Q: Okay. When you heard the res- uh, struggle that Officer Tu and Officer
846 (Brown) were engaging in with (Moore) and you ran back upstairs to assist
847 them, did you know why at that point, why they were trying to physically
848 restrain Mr. (Moore)?
849
850 A: I did not.
851
852 Q: Okay. You just went there to assist.

853
854 A: I just went there to assist.
855
856 Q: Okay.
857
858 A: I - I, as I was going up I thought that Mr. (Moore) may have attacked them.
859 That's how agitated he was during the interaction.
860
861 Q: Got it. Now during the time when you were, and you yourself were assisting
862 in the struggle with Mr. (Moore) with Officer Tu and Officer (Brown) uh,
863 before I ask that question; what is your height and weight?
864
865 A: I'm 5'10'', 235 pounds.
866
867 Q: Do you consider yourself uh, a strong person?
868
869 A: I do.
870
871 Q: Okay. Now considering you were with Officer Tu is also a large Officer build
872 wise, and yourself, were you guys having a very, a difficult time with Mr.
873 (Moore)?
874
875 A: Yes.
876
877 Q: Okay. Did you feel that Mr. (Moore) uh, at certain points was overpowering
878 you - you guys?
879
880 A: At certain points yes.
881
882 Q: Yes. Um, and so you, did you felt that uh - uh, Mr. (Moore) in anyway uh,
883 scratch that. So while you, Officer Tu and uh, Officer (Brown) were
884 struggling with Mr. (Moore) did you, yourself and or Officer Tu or Officer
885 (Brown) the three of you, did you witness any use of uh, hand strikes, open
886 palm strikes or fist strikes by Officers on to Mr. (Moore)?
887
888 A: No.
889
890 Q: Did you witness or did you yourself use any type of baton strikes?
891
892 A: No.
893
894 Q: Did any other officer or you uh, deploy your OC and use it?
895
896 A: No.
897

898 Q: Did you or any other officer uh, use any other type of objects on your duty
899 belt, or any objects in the apartment to strike Mr. (Moore) with?
900
901 A: No.
902
903 Q: Did you or any other officers physically kick Mr. (Moore) in any fashion?
904
905 A: No.
906
907 Q: Uh, did you or any officer discharge your firearm?
908
909 A: No.
910
911 Q: Did you or any other officers use your firearm as a blunt object to strike Mr.
912 (Moore)?
913
914 A: No.
915
916 Q: Uh, let me see, I'll take a pause, you got any questions?
917
918 Q1: Yeah um, did, what point did, and you may have answered this already, did
919 Mr. (Moore) express any need for medical attention? Like did he say you
920 know I - I, having any kind of medical emergency? Mr. (Moore) did he say
921 anything to that affect?
922
923 A: Not that I recall at all.
924
925 Q1: Okay. Um, did you, uh, just a little bit more clarification and you've already
926 talked about this; when you saw uh, Officer Tu on the right side is what you
927 said of Mr. (Moore) you said he appeared to be holding down his legs to a
928 certain extent is that right?
929
930 A: He was, when I first walked in when they were struggling, when I first came
931 up the st- the - the elevator, when I first came in Officer Tu was, it looked like
932 he was straddling his legs, trying to keep body weight on the legs...
933
934 Q1: Right.
935
936 A: ...and the buttocks area.
937
938 Q1: Right.
939
940 A: Um, with, so he was not to the side, but he was on his legs, buttocks area.
941

942 Q1: Okay - okay. Did you see at any time, or any time after that he appear to place
943 any weight on Mr. uh, (Moore)'s upper body while he was prong in that
944 position?
945

946 A: No.
947

948 Q1: Okay. Did he uh, did it appear at that time that um, Mr. (Moore) was able to
949 breathe? Was he making any verbal, was he speaking or yelling?
950

951 A: Yeah he was yelling at us.
952

953 Q1: Okay.
954

955 A: So I assumed he was breathing.
956

957 Q1: Was at any point during this did you see anyone put any weight on Mr. uh,
958 (Moore)'s head or neck area?
959

960 A: No.
961

962 Q1: Okay, uh, and I think that's what I have for now.
963

964 Q2: Um, as he was screaming, as he was yelling uh, he mentioned you didn't
965 recall him saying he needed any medical attention. Could you recall him ever
966 saying that he couldn't breathe?
967

968 A: No.
969

970 Q2: Okay.
971

972 Q: As me, tell me if I ever asked you this; have you ever had any prior contacts
973 with Mr. (Xavier Moore)?
974

975 A: Not to my knowledge.
976

977 Q: Do you have any prior knowledge of Mr. (Xavier)?
978

979 A: No.
980

981 Q: That's all I have. Is there anything you'd like to add Officer Smith?
982

983 A: Nope.
984

985 Q: It is currently 2128 hours end of interview with Officer (Brandon) Smith.
986

987
988 This transcript has been reviewed with the audio recording submitted and it is an accurate
989 transcription.
990 Signed _____

INTERVIEW WITH OFC. (BRIAN) MATHIS

Q=Sgt. Hong

Q1=Det. Johnson

Q2=(Sarah) Burdick

A=Ofc. (Brian) Mathis

Q: So February 13, Wednesday, 1710, 3:10 pm, ah, this, ah, an interview with (Brian) Mathis, Officer (Brian) Mathis and Case No. 13-08510. I am, ah, Sergeant Hong, H-O-N-G.

Q1: Ah, Detective Johnson. It's actually 5:10 pm. And that's Johnson, J-O-H-N-S-O-N.

Q: That's right. For the record 5:10 pm.

Q2: (Sarah) Burdick with (unintelligible), last name B-U-R-D-I-C-K.

A: Officer (Brian) Mathis, Badge No. 80, ah, last name is M-A-T-H-I-S.

Q: All right Officer Mathis you signed the, ah, the waiver. Correct?

A: Yes I did.

Q: Okay. So Officer Mathis could you state your rank and badge number?

A: I'm a patrol officer and my badge number is 80.

Q: Eight, zero?

A: Eight, zero. Correct.

Q: What was your hire date with Berkeley Police Department?

A: Um, June 12th or the 13th of 1999. And then my badge date is December 16th of 1999.

Q: And do you have any prior law enforcement experience before BP?

46 A: No I do not.
47
48 Q: Ah, which patrol op- operations team do you work currently?
49
50 A: Currently work team three.
51
52 Q: All right. What are your normal days worked and your normal hours worked?
53
54 A: I work Monday through Thursday from, ah, 1530 hours to 0130 hours.
55
56 Q: What is your - what was your call sign during your shift yesterday?
57
58 A: Ah, 3M6.
59
60 Q: From here on out if I say yesterday I'm referring to, ah, February 12th. Okay?
61 I'm sorry. What was your, ah, call sign?
62
63 A: 3M6.
64
65 Q: 3M6. Okay. Let's see. What area or beat were you assigned at that -
66 yesterday's shift?
67
68 A: I worked beat six.
69
70 Q: Ah, let's see. Who were your supervisors y- during yesterday's shift?
71
72 A: Ah, Sergeant, ah, Ross, S25, and Sergeant Cardoza, S31.
73
74 Q: Okay. Sergeant Ross is R-O-S-S and Sergeant Cardoza is C-A-R-D-O-Z-A,
75 S31.
76
77 A: Correct.
78
79 Q: Are they your normal supervisors?
80
81 A: Yes.
82
83 Q: When was your last shift prior to yesterday's shift?
84
85 A: The day prior.
86
87 Q: Got it. So today is, ah, currently Wednesday.
88
89 A: Yes.
90

91 Q: Yesterday's shift was Tuesday and so the day prior being?
92
93 A: Monday.
94
95 Q: Monday. All right.
96
97 A: I'm sorry.
98
99 Q: Have you taken any medication? Prescription or otherwise?
100
101 A: No.
102
103 Q: Have you consumed any alcohol in the past 24 hours?
104
105 A: No.
106
107 Q: Do you have any medical conditions?
108
109 A: No.
110
111 Q: When was the last time you slept, ah, and how long and how many hours, ah,
112 so twice. Before this interview and, ah, before the time of incident?
113
114 A: Well it's - we'll work backwards. Ah, last night probably got - so from six,
115 six and a half hours last night. Um, and then the night prior. So going into
116 Tuesday that was probably seven and a half. Seven, seven and a half.
117 Something like that. It's my normal, you know, my normal - my normal work
118 week I usually get seven or so.
119
120 Q: Okay. Did you sustain any injuries during, ah, yesterday's incident?
121
122 A: No.
123
124 Q: Do you wear corrective eyeglasses or contact lenses?
125
126 A: No I do not.
127
128 Q: Ah, starting from the front of your belt buckle going clockwise could you
129 describe what duty gear is on your duty belt?
130
131 A: Ah, a set a cuffs, um, next is my service weapon, um, followed by my ass,
132 followed by a key holder, followed by another set of cuffs of which there
133 wasn't a second pair in there because an officer from the night prior did not
134 return them to me. Um, that is then followed by a flashlight. Um, then a - a
135 canister of OC and then my, ah, ah, radio. And then, um, and I have - I have a

136 - I forgot to mention that I have a belt key holder or, ah, belt holders, um,
137 spaced in between because they go around. Like, I, ah, and then the - I have a,
138 um, a (unintelligible) ring for my baton and then, ah, magazine - two
139 magazine pouch. And then buckle. (Unintelligible).
140
141 Q: Did your duty belt or duty gear sustain any damage from yesterday's
142 incident?
143
144 A: No.
145
146 Q: Ah, what vehicle make and model were you driving during yesterday's shift?
147
148 A: Ah, Crown Vic and vehicle 1720.
149
150 Q: What kind of markings and emergency equipment is on the - on the?
151
152 A: It's a fully marked standard BP patrol vehicle, um, black and white, ah, white
153 doors, um, with the logo on the side and, um, 360s on top. Two spots on - that
154 don't work real well but two spots in the corners.
155
156 Q: Ah, do you normally drive this particular vehicle?
157
158 A: Yes I do.
159
160 Q: Were you a single officer car or a paired officer car?
161
162 A: S- single officer.
163
164 Q: All right. Ah, all right. Okay. Now we're going to, um, now that's the
165 police report that you prepared for - regarding this incident. Correct?
166
167 A: Yes sir.
168
169 Q: Okay. Can I, ah, could you read that for us verbatim and that would be your,
170 ah, report for the record.
171
172 A: Okay.
173
174 Q: If you can read it for us.
175
176 A: Okay. Excuse me. On, um, 2/13/13 at approximately 0030 hours I heard
177 Officer (Brown), Number 16, broadcast a request for additional units at 2116
178 (Alsom), No. 514. Um, I responded code 3 to the scene. Upon entering the
179 apartment I observed Officer (Brown), Officer Tu, No. 38, and, ah, Officer
180 Smith, No. 3, struggling, um, to control a very large person on the apartment

181 floor. I grabbed both of the subject's ankles in an attempt to control the legs
182 because the subject was kicking at the officers. I crossed - I crossed his
183 ankles, um, trying to hold him down but got kicked off. I reacquired my grip
184 and was - I reacquired my grip and was able to stop the subject from kicking.
185 I was given an ankle restraint strap from the wrap and applied it the subject's
186 ankles with assistance from another officer. I left the apartment to return to
187 my patrol vehicle to retrieve, um, (unintelligible) and escort BFD upon their
188 arrival. I heard a broadcast that CPR was being performed in the apartment
189 prior to BFDs arrival on the scene. I accompanied BFD back up the stairs to
190 No. 514. I was assigned by Sergeant Cardoza as 31 to attempt to contact
191 residents of the surrounding apartments. At No. 515, which is the door to the
192 west of 514, I got no answer. At 513, which is the door to the east of 514, I
193 contacted roommates (Gabriella Carvello) - I believe it's pronounced and
194 (Jorge Tolletto). Um, they both told me that they had been watching TV when
195 they heard three loud thumps on the wall from 514 sometime around 2300
196 hours. The thumps were loud enough to startle (Carvello) and (Tolletto) but
197 they heard nothing else over their TV until the police arrived sometime just
198 after 2400 hours. (Tolletto) also told me that, "She," and then I put in res- um,
199 referring to (Xavier Moore), um, "has knocked on my door a couple times and
200 offered me recreational drugs." At, um, 512, um, which is the door to the east
201 of 513, um, the residents told me that they had not heard anything until, "The
202 police arrived." Um, I stood by as ID Tag Jamison, No. 452, took photos in
203 514 - in No. 514. When she was finished I locked the door and returned the
204 keys to the BPD jail. Case disposition as said.
205

206 Q: All right. All right. Um, I'm gonna s- start by asking you, um, about where
207 were you when you heard the broadcast by, ah, Officer (Brown)?
208

209 A: Ah, Addison and MLK. I was westbound to Addison and MLK.
210

211 Q: Okay. And do you recall the words used in the broadcast?
212

213 A: Just something similar that I put in the report. "We need additional units," or
214 something and the tone of, um, Officer (Brown)'s voice and I could hear the
215 struggle, you know, you can hear the sounds of struggle on the radio so I put
216 two and two so. But it - I believe the words were similar. She didn't say code
217 three cover. She said, "We need additional units here," or "Need more units
218 here," or something like that.
219

220 Q: And you responded?
221

222 A: I responded code three.
223

224 Q: Code three?
225

226 A: Yeah.

227

228 Q: And, ah, ah, you knew which apartment to go to?

229

230 A: No I didn't in- initially, um, I knew where she was. I called the call up just to
231 see where she was 'cause they actually assigned - assigned me although I was
232 already rollin'. Um, so as I was coming up and I know where the (Guy)
233 Building is - was pretty sure that's where she was. And I asked as I exited my
234 vehicle what - what - what unit number.

235

236 Q: Okay.

237

238 A: And, ah, they told me 514.

239

240 Q: Okay. Um, how did you gain entry into the main door?

241

242 A: Ah, thankfully she or somebody, one of the officers had put a card in, ah, in
243 the door to keep it - keep the door open and I was able to open the door and
244 then I took a, ah, there's a bench stool just to the left as you walk in, I took
245 that and, ah, wedged the door open and put it in the way blocking the door
246 open for officers.

247

248 Q: And so you made your way up to the apartment?

249

250 A: Um, I called the elevator. I heard, um, other units coming code three and
251 waited for and then the elevator took, you know, a considerable amount of
252 time. And I - I know there's stairs in the building but I figured five floors,
253 elevator. I waited - I waited for the other officers so when the elevator
254 showed up two other officers came up and the three of us went up together.

255

256 Q: Okay. The three of you who took the elevator, ah, who were they?

257

258 A: I remember Officer Gardner which I believe his badge is 121. And I'm not
259 sure of the - I - I - I'm not sure of the third officer. I don't know if it was
260 Kastimiler or I don't remember who that third officer was. I just remember,
261 um, that Officer Gardner being that first face that came runnin' through the
262 door. And then, ah, like I said we got up - we got upstairs and then I
263 remember him asking a black male who was standing at the railing who
264 turned out to a caretaker or somethin' which apartment and he (unintelligible)
265 said, "514." 'Cause you can't see the numbers on the doors. They're not on
266 the doors. They're up...

267

268 Q: So you waited - you waited down in the elevator. Officer Gardner, G-A-R-D-
269 N-E-R, Gardner, Badge 121, entered the, ah, el- elevator with you and but you
270 don't quite remember the se- ah, the secondary officer.

271
272 A: Yeah. I don't remember that third officer. I - I...
273
274 Q: The third officer.
275
276 A: I don't remember who that third person was.
277
278 Q: Okay. And you went upstairs and you went to the apartment. Correct?
279
280 A: Yeah. I - I told them which door was gonna open, ah, which was the door -
281 'cause I'm - I'm familiar with that building. And so I knew you enter in one
282 door of the elevator and it opens onto the courtyard area which isn't open. So,
283 ah, (Tim) (unintelligible) Gardner, um, was the first out. I don't remember if
284 I - I was the second one. And then we made our way into the apartment.
285
286 Q: Okay. So when you went to the apartment was the door open or closed?
287
288 A: It was open.
289
290 Q: Okay. When you went into the apartment could you give a general
291 description of the area in which this incident occurred?
292
293 A: Um, there was a - a - as - as you come in there's a, like, an entry area. It
294 turned out to be a bathroom to the, ah, to your immediate, um, left, which I
295 didn't - I didn't recognize as that coming in. And then the hall you take kind
296 of a half step. You have to kind of step around the door the way the door
297 opens in the entry. Kind of facing a little kind of open closet and - and then to
298 the right is where the hallway goes down into this main kitchen living room
299 area and that's - that's where they were. They were directly in line when you
300 come down that hall, um, it's really short...
301
302 Q: Mm-hm.
303
304 A: ...um, they were right there. They were all - all down there on some type of
305 mattress or futon mattress or something like that.
306
307 Q: To your recollection it looked like some sort of mattress or futon?
308
309 A: Y- yeah. It was on the floor. It a mattress that was on the floor. I do
310 remember seeing it, you know, laying on the floor.
311
312 Q: And when you - when you say there were all the other officers were there,
313 which officers were there when you arrived inside?
314

315 A: You know, I don't know who the other two - I - I know now after in hindsight
316 and I know Officer (Brown) was there but I didn't see her. All I saw was a
317 very large person that they were struggling with and getting thrown around. I
318 mean I saw - I knew there were three officers there.
319
320 Q: Mm-hm.
321
322 A: I know that one larger officer which eventually I know to be Officer Tu was
323 closest to the - the lower end of and was the one being - it was actually the one
324 being kicked by the flailing legs. But they were all kind of gettin' bucked. I
325 mean it was just - they were doing everything they could to control this large
326 person on the ground. It was - and there was a lot of, you know, "Stop
327 fighting, stop resisting." And I could hear all, you know, this other person
328 yelling and screaming as well.
329
330 Q: Okay. Ah, so when you arrived just for clarification, um, ah, at the - at, ah, so
331 you - you remember now who they were but not - not before.
332
333 A: I didn't know who - it was - in it. It's not real well lit.
334
335 Q: Yeah.
336
337 A: So it's not extremely well lit.
338
339 Q: Okay.
340
341 A: And you just see a mass.
342
343 Q: Okay.
344
345 A: It was just this - it's - it's literally I can tell, you know, that - that the officers
346 are having a - a real difficult time at controlling this individual. Um, so.
347
348 Q: Okay. Ah, but you do recall seeing Officer (Brown) inside you said?
349
350 A: I - I don't know where she was. She was somewhere. I couldn't tell you one
351 position she was - where she was holding. I - I instantly, um, as I usually - I'll
352 - I'll go to where an area that I know that I can control on the body.
353
354 Q: Okay.
355
356 A: And take that and - and what I saw was causing a major problem were the
357 feet. And then, you know, some big legs and they kickin' the officer and like
358 I said with - with the use of the legs they were raising everybody up. So I
359 figured if I controlled the feet...

360

361 Q: Mm-hm.

362

363 A: ...that would - and let the bulk of them take care of the upper body that - that
364 would be where I would be the most helpful. And that's what I went to deal
365 with.

366

367 Q: Okay. Um, knowing now which officers were there, could you name them
368 when you first arrived knowing now?

369

370 A: I wouldn't be able to tell where they are.

371

372 Q: Yeah but who - who were inside there?

373

374 ((Crosstalk))

375

376 A: It was - it was Officer Tu, Officer Smith and Officer (Brown) - were the
377 officers that were - were inside the apartment.

378

379 Q: And that - and having thought back con- considering what you know now
380 having thought back, does that sound correct? That it was - it was Officer Tu
381 and Smith and (Brown) in there?

382

383 A: Yeah. I - I believe that's - yeah.

384

385 Q: Okay.

386

387 A: 'Cause I - I double checked - actually double checked with Officer Smith
388 because at - at some point how do you know if he had come in, I mean, there
389 were a lot of officers coming. And I was...

390

391 Q: Sure.

392

393 A: ...I was doing everything I could to just control feet. So I'm looking down at
394 feet trying not to get kicked myself which I did.

395

396 Q: And, ah, were they - were they on the ground or were they on this mattress
397 futon deal?

398

399 A: Well the mattress is on the ground, I mean, it's not much thicker. It didn't
400 appear to be a whole lot thicker than through this table.

401

402 Q: Got it.

403

404 A: All right? It's very - it's a very thin, you know, I don't know, maybe four
405 inches. - I - I - I'd be - I'm guessing. I don't know.

406
407 Q: Okay.

408
409 A: Um, but they were all - it was all on the ground. It was all basically on the
410 ground.

411
412 Q: So you took a hold of his legs? Is that correct?

413
414 A: I - yeah. I tried to grab, um, as I come in the legs are separate. So, like, I
415 don't know, kicking in water. So they're separate, kicking. And I grabbed
416 one, cross it over the other, and by the time I put it on top of the second one, I
417 get kicked off. It - this person was very strong and kicked - kicked me off. So
418 I reacquired my grip and this time took, um, like, I took my knee and just put
419 more of my body weight over the top of the ankle so I think we went on - it's
420 the right - so the person is laying down, it was the right over the left. So I put
421 the right over the left ankle and then took my knee and both of my hands and
422 placed them both on that right ankle to hold it down on top of him so I could
423 keep them both from - from...

424
425 Q: And you - you're using your weight to keep it down but you're only grabbing
426 the ankles?

427
428 A: I only have the ankles. Ankles and feet.

429
430 Q: Okay.

431
432 A: I had, like, the back of the heel and the ankle.

433
434 Q: Okay. Um, so what happens? So there's a struggle. It's going on. You're
435 trying to assist by taking control of the feet or the ankles, um, ah, continue
436 please as to what occurs, um, to the best of your recollection.

437
438 A: Um, I don't know. I hear, um, I eventually hear - I know that, I mean, I don't
439 know chronologically whether I get - the wrap comes in, um, and I get the
440 strap and we - and I'll get to that, um, or that they get the cuff. I hear them
441 say, "I got it." Like I got him cuffed.

442
443 Q: So...

444
445 A: I hear - I hear somebody say that. But I'm not sure if it happens because it's
446 happening - it - it's happening kind of to my - to my left. So, you know, and
447 I'm focusing on what I've got there. There's enough people dealing with that.
448 I'm focusing on my task.

449
450 Q: What - what was the body - what was, ah, the - when I say Mr. (Moore), Mr.
451 (Moore) is the subject that we're speakin' about that was resisting. Okay?
452
453 A: Correct.
454
455 Q: So when - when you were taking a hold of the ankles while others were, ah,
456 dealing with his hands, etc., and trying to get him handcuffed, what - what
457 was Mr. (Moore)'s body position at that time?
458
459 A: Ah, face down.
460
461 Q: Face down. So was he l- l- his face was down meaning his front of his body
462 was on the ground?
463
464 A: His chest...
465
466 Q: Or on the mattress?
467
468 A: ...his m- yeah. His chest was on the mattress.
469
470 Q: Mattress?
471
472 A: Yeah. That's why I kind of have to mind figuring which ankle was which.
473
474 Q: Okay. You said that you - you heard through messages, verbal messages, that
475 he was handcuffed.
476
477 A: Yeah.
478
479 Q: But you didn't actually see the handcuffs actually placed on him?
480
481 A: Mm-mm.
482
483 Q: Okay. Got it. And then - and then you were able to, ah, get a strap from the
484 wrap? Is that correct?
485
486 A: Yeah. I, um, I think it was Sergeant - it was either Sergeant Cardoza but
487 Sergeant Phillips also came in the room. Um, is that 17? I'm sure on her
488 badge number. We'll - we'll go over that. But Of- Sergeant Phillips - one of
489 the two had - I know that - I know the wrap came from her car because I put it
490 back together but, um, I said, "Give me the legs." I - I - I told specifically
491 whoever had it, "Give me the leg strap."
492
493 Q: Okay. So...

494
495 A: Ankle strap.
496
497 Q: ...Sergeant - Sergeant Cardoza, C-A-R-D-O-Z-A, and Sergeant Phillips, P-H-
498 I-L-L-I-P-S?
499
500 A: Right.
501
502 Q: Okay. And one of them gave you the straps?
503
504 A: Ah, either gave them the strap or they gave it to another officer at first when I
505 - and I don't know who this other officer was. And that officer, ah, put the
506 strap together so they made it a loop.
507
508 Q: Mm-hm.
509
510 A: And then I - they - they came down to try and help me put it on and I took it
511 from them. And, ah, because that's not the way to apply it. It's - it's too
512 difficult to do it that way. I took it from and instructed them to hold the
513 ankles while I, ah, applied the strap.
514
515 Q: Do you remember which officer this was?
516
517 A: I - I don't - I don't know. It was just a - a helping set of hands.
518
519 Q: Were you able to successfully, ah, restrain, ah, Mr. (Moore)'s, ah, ankles...
520
521 A: Yes.
522
523 Q: ...with the strap?
524
525 A: Yes.
526
527 Q: Okay. All right. And then - and then what occurred? After the straps are...
528
529 A: Um, the straps and the cuffs, you know, with the strap - he's still tryin' to kick
530 but now both legs are together and real easy to - can't get them apart so just
531 kind of stopped fighting.
532
533 Q: He stopped fighting?
534
535 A: Yeah. It was just pretty much - and that - that tends to be the case once they
536 can't - they can't flail around. They don't have anything - they kind of lose
537 the fight.
538

539 Q: Okay.
540
541 A: So. It just kind of stopped fighting.
542
543 Q: Let me backtrack just slightly. So, um, how tall and how heavy are you?
544
545 A: Um, 6, just under 6'4" and I'm 245.
546
547 Q: Okay. Would you consider yourself in shape?
548
549 A: Yes.
550
551 Q: Okay. You said that, ah, that's just - Mr. (Moore) was able to basically have
552 enough force to kick you away while you were just trying to grab his ankles.
553 Is that correct?
554
555 A: Yes. And I was - and I was using a fair amount of - of, ah, strength to do so
556 because I - I could tell he was a big - I could see this was a very big person.
557 Um, you know, kicking and a good-sized officer who's on the - on the back
558 quarter of this individual so I - I knew that I - I needed to bring, you know,
559 bring some of my size and strength and pull him with it but, ah, I - I quickly
560 found out that I needed to, you - you know...
561
562 Q: Okay.
563
564 A: ...use - use a little more.
565
566 Q: Okay. Do you recall how tall and heavy Mr. (Moore) was?
567
568 A: That I don't know. I - I have not had contact with that individual before and I
569 - I - my guesstimate was, you know, once - once I s- saw later, over 350. I
570 don't know how tall.
571
572 Q: Okay. But at the time you felt he was a large man?
573
574 A: I knew he was a three plus.
575
576 Q: Okay. So he - you knew at the time that you were struggling with Mr.
577 (Moore) that he was a three plus?
578
579 A: Oh yeah.
580
581 Q: Okay. Got it. And you just couldn't tell really how tall he was.
582
583 A: Right. I have no idea.

584
585 Q: All right. Um, when, ah, did you - do you recall, ah, if Mr. (Moore) was
586 during the struggle portion screaming, yelling in any way?
587
588 A: Yes.
589
590 Q: Do you recall what he was screaming and yelling?
591
592 A: Get off me. I remember hearing get off me a few - a few times. Stop. Get off
593 me. And that's just - just general screaming, like, you know, kind of, um, just
594 - just screaming. I mean, you know, screaming, "Get off." There was a lot of
595 get off me and there was this just - just, you know, that, like, you know, you
596 know how sc- it's just a screaming. I don't know how to...
597
598 Q: Okay.
599
600 A: ...really - just that...
601
602 Q: Was he using profanity in any way?
603
604 A: I don't remember specifically. I don't - I wasn't really listening, you know? I
605 mean, you hear it, you hear certain things but you don't - I drown them out. I
606 listen - I listen to them. I didn't hear any - any - any complaining or anything
607 it was just - just struggle.
608
609 Q: Okay. Did you hear, ah, any of the officers give verbal commands in any
610 way?
611
612 A: Yes. Yeah. It was, "Stop resisting and give us your hands. Stop. Stop."
613 You know. There - there was a constant - that was coming from several
614 people and I wouldn't be able to tell you who - which officers were doing
615 what.
616
617 Q: Okay. Um, do you recall how you - Mr. (Moore) was clothed?
618
619 A: The only portion of Mr. (Moore)'s body I - I saw was from waist down.
620
621 Q: Mm-hm.
622
623 A: And it was naked.
624
625 Q: Waist down naked?
626
627 A: Waist down naked. Because I - when I looked up I had a pair of legs and then
628 I looked up and I saw bare butt.

629
630 Q: Bare butt?
631
632 A: Yeah. And that's - I couldn't see further. I didn't know what else, you know,
633 I just couldn't see beyond that. I wasn't lookin' - lookin' because I had my -
634 my job.
635
636 Q: Okay. Um, now you said after the handcuffs were placed and you were able
637 to successfully restrain Mr. (Moore)'s ankles, um, the fight was over for the
638 sake of, ah, expression...
639
640 A: Yes.
641
642 Q: ...and continue from there on. What - what - what you saw.
643
644 A: Um, somebody - whoever, um, maintained the control of the ankles - whoever
645 that other officer was, I got up and, um, there was a - somebody requested a
646 spit hood so, um, with that I - I told - said, "I have them in my car." And so to
647 broadcast I stepped up, um, and stepped away from them and thought I told,
648 you know, anybody down that my vehicle, 1720, there's spit hoods in the
649 front of my duty bag which is in the passenger seat.
650
651 Q: Okay.
652
653 A: So it's - they're in the front of that. Um, and then, ah, didn't hear an
654 acknowledgement or anything so I said, "I'll - I'll go down and get them."
655 And, um, I believe there was - the FD was on its way so...
656
657 Q: Okay.
658
659 A: ... um, I went. Yeah. I figured I'll go down and do - do two things. I'll get
660 the spit hood and then I can bring the FD up with me. Um, that's what I did.
661 I left the apartment.
662
663 Q: Um, when he - when the struggle was subdued what - what was, ah, Mr.
664 (Moore)'s position while, ah, you guys were going for the - looking for the
665 spit hood, et cetera? What...
666
667 A: Ah, it - at that time still he - he was, ah, still face down.
668
669 Q: Okay.
670
671 A: I mean, this is all - this all happened pretty quick.
672
673 Q: Okay.

674
675 A: Um, so I got up and I left once - and once, as I said, once there was no longer
676 a fight everybody kind of was (unintelligible) came off him.
677
678 Q: Okay. So...
679
680 A: You know, they weren't - wasn't...
681
682 Q: So when you left he was still face down?
683
684 A: He was still face down but nobody was on him anymore. I can then tell that
685 he was not wearing any clothes or a sheet. I - I mean, read my statement. I - I
686 didn't really know. The only reason I put in his in there is my Sergeant last
687 night wanted me to change his ankles. And I - I - I honestly didn't know male
688 or female at that time.
689
690 Q: Okay.
691
692 A: I mean, I - I - it didn't matter. I, you know, 'cause, um, and, um, but, ah,
693 yeah. That was the first time that I could see that this - this person was at - not
694 clothed at all.
695
696 Q: Okay.
697
698 A: Um.
699
700 Q: So when the request for spit hood was made and you try to relay a message
701 that you had some in your car but that wasn't being successful you decided to
702 just quickly run down to your car and get the spit hood?
703
704 A: Yeah.
705
706 Q: And - okay. And...
707
708 A: The scene was controlled so I felt I could.
709
710 Q: During the struggle did Mr. (Moore) complain verbally in any way, ah, about
711 physical pain or having difficulty breathing, you know, anything or any of
712 this?
713
714 A: Not that I recall. Not that I heard.
715
716 Q: So you recognized that his was screaming and just basic- essentially saying,
717 "Get off me."
718

719 A: Yeah. Yeah.

720

721 Q: What you - what you, ah, said before?

722

723 A: Right.

724

725 Q: Okay. Um, are you, um, at all, um, um, let me backtrack. Let me ask you
726 this. So, ah, the officers who were there struggling with Mr. (Moore) at the
727 time, right? And while you were struggling with Mr. (Moore), did you at all
728 see any officer strike Mr. (Moore) in any way? Even with a hand or a closed
729 fist?

730

731 A: No.

732

733 Q: Did you see any batons usage by any officers on the scene?

734

735 A: No.

736

737 Q: Was there any other form of impact weapons that were used that you may
738 have seen officers use on Mr. (Moore)?

739

740 A: Not that I saw.

741

742 Q: Was OC deployed by any officer on the scene?

743

744 A: No.

745

746 Q: Was a firearm at all every used during this incident by any officer?

747

748 A: No.

749

750 Q: Was a firearm, ah, duty weapon used as an impact weapon in any way?

751

752 A: Not that I saw.

753

754 Q: Okay. Um, are you at all, um, certified in drug recognition or (DRE)
755 certified?

756

757 A: I'm not certified.

758

759 Q: Okay. Are you - based on your training experience can you recognize
760 somebody who is under the influence of - of, ah, illegal narcotics?

761

762 A: Ah, yeah. With my basic - with my experience as an officer I'm pretty good
763 at it.

764
765 Q: Based on the amount of observation that you had of Mr. (Moore) during your
766 time that you were restraining him do you - could you say based on your
767 training experience that he was under the influence of anything?
768
769 A: I didn't have that - enough contact to - to make - to say, you know, whether
770 they were 550 or not.
771
772 Q: Mm-hm.
773
774 A: Um, yeah. I'll say the amount of strength that, ah, normally I am - I - I know
775 what I'm doing and normally the amount of pressure and the amount of
776 weight and strength that I used to cross those ankles is usually enough to
777 handle most people. Um, this individual was, you know, maybe that was part
778 of the cause. I don't know. But I didn't have enough contact to make that
779 evaluation.
780
781 Q: Okay. Um, I know you said you were concentrating on ankles. Is there
782 anywhere of your - any recollection on your part as to the position -
783 positioning of certain officers as they were trying to handcuff and control the
784 upper portion of Mr. (Moore)'s body?
785
786 A: No. Like I said, the only one I know from (unintelligible) was Officer Tu and
787 that was - he was along the - along the right side kind of laying along the side
788 of him or on top of him.
789
790 Q: Okay.
791
792 A: 'Cause that - that was the only officer and the only reason I know that is
793 because of the position they were in when they were getting kicked. And then
794 I found out later that was actually - that was Officer Tu.
795
796 Q: That was Officer Tu?
797
798 A: Yeah.
799
800 Q: When you say he was laying on him, how could you describe what you mean
801 by that?
802
803 A: Well, all I saw he was - he was tryin' to use - being a larger - he's - he's
804 another officer of - of - who has size and weight. And in a struggle like that
805 when you're ground fighting you want to use your weight to - to help assist
806 you to control that individual as much as possible.
807
808 Q: Mm-hm.

809
810 A: Or maybe help wear them out. There's - there's several different things that
811 you can do. So you use every advantage you have. And when you're bigger,
812 you use that advantage.
813
814 Q: Mm-hm.
815
816 A: And that's kind of what he seemed to be doing was - was laying on him to try
817 to use it as body weight to keep him down or to control him as - as he was.
818
819 Q: Okay.
820
821 A: That - that's what it appeared to...
822
823 Q: Got it. And to your recollection he was doing so because of Mr. (Moore) was
824 not yet restrained in handcuffs? 'Cause he has not yet been restrained and he
825 was control Mr. (Moore)?
826
827 A: Yeah. That's - I - by - by what saw I didn't think there were any cuffs on at
828 all.
829
830 Q: Got it.
831
832 A: All right.
833
834 Q1: What part of Officer Tu was on what part?
835
836 A: He's laying, um, his feet when I come in, um, the - the wall that I talked about
837 as you walk down that hallway, ah, Officer Tu's pretty much on the
838 (unintelligible) on - on the right side of him. Kind of on the right so Officer
839 Tu's against the - the body on the - on the right side I g- I'm guessing. Um,
840 but he was - he appeared to be more, like, tryin' to hold the hips and - and the
841 upper torso down. That's what it appeared. I mean, it's...
842
843 Q: Did - did it appear that there was weight being put on the upper torso or just in
844 the hip area or both?
845
846 A: Well yeah. I mean, that's where his body was 'cause that's where the feet
847 were coming up 'cause he was actually down on the hips. He was - his -
848 enough of his body was down on the hips that he was kicked as, you know, as
849 I said, that swimming - that swimming motion that the - that Mr. (Moore)
850 doing was - was kicking or was bucking Officer Tu.
851
852 Q: And where was it hitting Officer? Where - where?
853

854 A: In the legs and - and legs and - and kind of lower - lower torso area. You
855 know, he was just kicking his legs. Mr. (Moore) was kicking and bucking
856 him off.
857
858 Q: Okay.
859
860 A: Yeah. It wasn't really necessarily somebody when you think kick you think it
861 involved a kick or a - a mule kick or something like that. It wasn't like that
862 type of kick. It was more of a, you know, like I said, like a swimming, like a
863 bucking action.
864
865 Q: Where - where - could Officer Tu's position was it - did it - could it in any
866 way - it couldn't effect how Mr. (Moore) was able to breathe being face
867 down?
868
869 A: No. No sir. It - it didn't appear to be because he was yelling and screamin'.
870
871 Q: Okay. Ah, and - and again, you came in when the fight was already - had
872 already been begun. It was in the middle of it.
873
874 A: They had been goin' at it for a while.
875
876 Q: So what ever happened before you, ah, ah, came, you wouldn't know what -
877 what kind of struggle Mr. (Moore) put up with anybody else.
878
879 A: Yeah. I don't. The only reason I know anything is - is - is conversations
880 afterwards.
881
882 Q: So, ah, so you hear the request for, ah, the spit hood and, ah, ah, you then ran
883 down to your car.
884
885 A: Mm-hm.
886
887 Q: To get the spit hood.
888
889 A: Mm-hm. Yes.
890
891 Q: Um, took the elevator?
892
893 A: Yeah.
894
895 Q: Okay. And you - you - where'd you park your car?
896
897 A: I was right outside the front door. I mean, I was - I was the first car then. So
898 other - the other cars were - were sat in a more tactical position. The first

899 three people that were there nobody was parked in front. I - I slipped right in
900 it - first to the scene.
901
902 Q: Okay. (Unintelligible). One last - one real quick question which is while you
903 were in the apartment during the struggle or at any time in the apartment,
904 could you hear Mr. (Moore) say that he needs an ambulance or medical
905 attention of any sort?
906
907 A: No.
908
909 Q: Okay. And so you're now down - I'm sorry. We'll take you back.
910
911 A: Okay.
912
913 Q: You're down at your, ah, car getting a spit hood. Did you hear any radio
914 traffic that was of significance of or of a, um, that (unintelligible)?
915
916 A: I heard, um, it was - it was noisy downstairs. There was - there was - it's
917 traffic and things going on down there but I - I heard doing CPR and I kind of
918 - I - I turned to somebody else down there and I said, "Did I - did you just hear
919 that?" And the - then they confirmed, "Yeah. That's broadcast."
920
921 Q: Mm-hm.
922
923 A: So at - at that point I was just waiting for, ah, I still waited for BFD.
924
925 Q: Okay. So you waited outside?
926
927 A: I still - I stayed by the door to make sure - that was still my - my job was to
928 get them up there as far as I was concerned.
929
930 Q1: So they can get into the building because...
931
932 A: Yes. I was gonna escort them through the doors, get to the...
933
934 Q1: Got to inspect them.
935
936 A: Right. And then - and literally we did when - there was a bunch of kids
937 gettin' off the elevator and I parted the sea to get them out of the way and give
938 us a clear path to get in the elevator and get upstairs.
939
940 Q: Okay. Um, so, ah, the - the radio broadcast you made regarding CPR, BFD
941 eventually arrives and you escort them upstairs. Is that correct?
942
943 A: Correct.

944
945 Q: Now when you get upstairs now what kind of - what do you observe when
946 you get upstairs? What did the Fire - Fire Department do?
947
948 A: Um, Officer Tu - I walked into the apartment and Officer Tu was, ah, well he
949 was really the only one I could see and he was doing CPR. Mr. (Moore) was
950 now, um, face up on the floor and they had actually, ah, rolled him, um, rolled
951 him on to the - he was off that mattress thing. So he was more in the middle
952 of the floor in the middle of the room. Um, and Officer Tu was doing CPR
953 when he traded out with a, ah, firefighter - one of the firefighters took over.
954 Um, I grabbed Officer Tu, ah, he kind of stood there for a second and I got
955 him out because it was hot, you know, and then I knew that he had already
956 been in a struggle and then he was doing CPR so I knew he needed to get
957 outside and I - I - myself and somebody else said to get him out. So we - we
958 walked him outside to get him some air 'cause he probably pretty spent.
959
960 Q: Okay. And wh- and then that's when the c- um, paramedics started working
961 on Mr. (Moore)?
962
963 A: Ah, yeah. I don't know from - when I saw the exchange stuff that was the last
964 because I took him. I'm sorry, Officer Tu, um, and got him out. I just - my
965 concern was now that the firefighters are there, like, figured they were on Mr.
966 Moore, like, I'm not of any use, I'm just in the way in there. So I just - I took
967 him and got him outside.
968
969 Q: And you both went outside.
970
971 A: Well I took him too. Yeah.
972
973 Q: Okay. Um, at - at what point did you, ah, there's a lap in that. Wh- what
974 was?
975
976 A: I stood, um, I just stood outside as kind of hall security just to make sure
977 nobody - there were b- a lot of people looking and watching and I just wanted
978 to make sure nobody, you know, there's - I didn't want anybody walkin' by
979 the door or anything. Interfering with anything that was going on in there so
980 I stayed out in the hall - I just stayed out in the - right in front of the door.
981
982 Q: Other than, ah, the Officers Tu, Smith and (Brown) that you mentioned, or
983 with (Gardner) because you came up with him, do you recall now any other
984 officers that may have arrived during your struggle, after - after the struggle,
985 while you were standing guard?
986
987 A: Well as I said, you know, Kastimiler I know was there 'cause I ended up
988 spending time with him.

989

990 Q: Okay.

991

992 A: But I don't know and - and now if I had to - I - I don't know what point he
993 was there. Like, he may have been the guy that came up - the third one. Um,
994 of - of course there were - there were other officers that showed up to assist,
995 um, I know somebody else, um, Officer McIntosh was doin', ah, help with the
996 area checks that we were eventually assigned to.

997

998 Q: Okay.

999

1000 A: Um, who else? Smith, um, oh, ah, Officer (Kaplan) was - I don't remember if
1001 he was actually there on the scene or he was downstairs to help trans-
1002 port. I don't know if he was actually up on the scene now that I
1003 mentioned. No. H e - he was there. I remember seeing his face.

1004

1005 ((crosstalk))

1006

1007 Q: Kast- Kastimiler is K-A-S-T-I-M-I-L-E-R. McIntosh, M-C-I-N-T-O-S-H.
1008 Kaplan is K-A-P-L-A-N. I'm sorry. Go ahead.

1009

1010 A: Glad you did it. I wouldn't have remembered.

1011

1012 Q: Okay.

1013

1014 A: Um, but, ah, that's, you - you know, as I - as I said, my - I don't - wasn't
1015 really anything that I worried about, you know, focusing on who was there. I
1016 wasn't keeping track of names or anything. That wasn't my job to do that.

1017

1018 Q: So, um, at - at - at a certain point in time, the, ah, fire and paramedics took Mr.
1019 (Moore). Is that correct?

1020

1021 A: Yes.

1022

1023 Q: Okay. And, ah, um, so they've - they've taken Mr. (Moore). And were they
1024 still working on him while they were taking him?

1025

1026 A: Oh they had a machine on him.

1027

1028 Q: Okay.

1029

1030 A: They had some kind of machine that was workin' on him the whole time so I
1031 helped some. The only think I did - I did step back in as they were trying to
1032 get the gurney in and we need to get all that - that mattress stuff or whatever.
1033 It turned out that it was actually, like, two or th- two of them I think or

1034 somethin'. And we stuffed them into the, um, Of- Sergeant Phillips' -
1035 somebody - either somebody was handing them to her or whatever and I kind
1036 of helped her stuff them into that, ah, it was actually a bathroom.
1037 (Unintelligible) just to clear the way so that they could get the gurney in and
1038 get him on the gurney. So. Oh and then they - they - I kind of turned and
1039 faced 'cause so a bunch of people to the east and so I kind of as he came out, I
1040 turned and faced so that they - makin' sure nobody else came and got
1041 (unintelligible).
1042

1043 Q: Okay. And eventually you - you left. And so Mr. (Moore) was taken by the
1044 paramedics.

1045
1046 A: Mm-hm.

1047
1048 Q: At what point do you leave the scene?
1049

1050 A: Um, not for a while. Um, because I'm - Sergeant Cardoza assigned me to do,
1051 ah, ah, check on the...
1052

1053 Q: Canvas.
1054

1055 A: Yeah. I do a canvas but he specifically wants me to check on neighbors on
1056 either side and see if they heard anything specifically prior to our arrival. His
1057 - his instructions were make sure you - you find out not just them hearing
1058 what - what's with us but if they heard anything else prior to. Any kind of
1059 415 because I think the original call there was - was some type of disturbance.
1060 So if they heard any disturbance or any arguing or anything prior to our
1061 arrival. So, um, the couple - the first couple that I spoke to were those ones
1062 that, um, um, was at 513. They were actually the first couple. Well I say 5-
1063 on my report I say - I kind of went and did it the way I had it written but 515 I
1064 say no one home. But I actually contacted 514 fir- or 513 first because they
1065 were - there were there. I could see them. So I talked to them first and then I
1066 - I went over and checked 515 and there was answer. That one was dark.
1067 And that's why I kind of looked and it was dark and I didn't see anybody
1068 there so I - I took the one that I - I knew I had two warm bodies. And I went
1069 and talked to them first. Then I walked over 15 and then Sergeant Cardoza
1070 asked me to continue on. Um, and I knew there were also people in, ah, 512.
1071 So I went there but they - they were - they had just been sightseeing once we
1072 got there.
1073

1074 Q: Okay. And, ah, what - what, ah, the folks from ah, ah, these addresses told
1075 you, it's reflected in the police report?
1076

1077 A: Yes.
1078

1079 Q: Okay. Um, so when you do- after doing that you, ah, according to the police
1080 report you stood by while, ah, Crime Scene Technician Jamison, J-A-M-I-S-
1081 O-N, took photographs of the apartment?
1082
1083 A: Right.
1084
1085 Q: 514?
1086
1087 A: I was assigned to security so he just told me to stand outside and let her do her
1088 thing and assist if everybody else needed anything. So.
1089
1090 Q: And the last portion of this report you say that when she - she - Tech Jamison
1091 finished you locked the door and returned the keys to BPD jail.
1092
1093 A: Correct.
1094
1095 Q: BPD jail. Return it to whom?
1096
1097 A: Um, I gave them to one of the jailers, um, and I don't know this other party. I
1098 never saw him until that moment so I didn't - I had no contact. Apparently he
1099 was the roommate with this person so I - I have no contact with that
1100 individual. Those keys were brought out to me by Officer Smith. This was an
1101 individual that I later found out that Officer Smith had down in the car.
1102 (Unintelligible) and that he ran back upstairs I guess or somethin' when he
1103 heard the - the call for assistance. I - I'm not sure how that chronology
1104 worked. I don't know. I don't know how that worked out but he was - I
1105 remember - remember Officer Smith saying I got a guy in my car. I gotta go
1106 back down to my car. You know, but, yeah.
1107
1108 Q: Um, all right. So a couple follow up questions. So you never spoke to that
1109 gentleman you gave the keys to. His name is Mr. (Hayes). You never gave
1110 him - you never had any conversation with him.
1111
1112 A: Um...
1113
1114 Q: Before or after?
1115
1116 A: No. You know what, and that - the only thing - I did say something to him,
1117 um, at, like, leaving - as I was leaving the jail because the caretaker, Mr.
1118 (Edwards) or something like that.
1119
1120 Q: No. (REDACTED)?
1121

1122 A: (██████████). That was it. (██████████). (Unintelligible). Um, we were,
1123 ah, Officer Kastimiler was taking his written statement and assisting him with
1124 getting his belongings out of the - out of the apartment.
1125
1126 Q: Okay.
1127
1128 A: Um, and that he was trying - he wanted to get in touch with the - the - Mr.
1129 (Hayes). And he didn't know how to reach him so I told Mr. (Hayes). I said,
1130 "Hey, Mr. (██████████), um, is gonna try to reach you tomorrow." I just gave
1131 him that message. But the keys - the keys I gave to the jailer that was doing
1132 booking was booking his property because he was in the middle of doing, ah,
1133 fingerprints. So I just passed that message along to him.
1134
1135 Q: When you - I'm sorry. Some follow up questions.
1136
1137 A: Okay.
1138
1139 Q: When you arrived was there anybody else other than Mr. (Moore) and the
1140 police officers inside the apartment?
1141
1142 A: No.
1143
1144 Q: Okay.
1145
1146 A: But the night, you know, I couldn't - I couldn't see. I don't know how big the
1147 apartment was or anything else but (unintelligible).
1148
1149 Q: Okay. Now when you - you said, ah, briefly that you kind of knew what this
1150 call was about. Can you recollect what the call was about before you
1151 responded to the request for assistance? What did you know in your mind
1152 what the call was about?
1153
1154 A: All I knew - initially all I knew is that there was a 415 and I didn't know the
1155 subject. Who the subject was until somebody told me and then I put two and
1156 two that this was a person who is, um, their condition as far as male or female
1157 (unintelligible) and I - I - it clicked because I'd seen those calls before. I had
1158 seen their calls but I never had contact with them. But all I knew is that it was
1159 a 415 in, ah, at - at the (Guy). I didn't know the situation of it. I didn't know
1160 the individuals involved. I didn't know any of that. I didn't put that together
1161 until afterward.
1162
1163 Q: Okay. Um, you know when, ah, there was a struggle inside the apartment...
1164
1165 A: Mm-hm.
1166

1212 who was doing what, that would be my - and - and Officer (Brown) being
1213 under the supervision of Sergeant Cardoza.

1214
1215 Q: Okay.

1216
1217 A: 'Cause he's our team supervisor. So that's how's that kind of...

1218
1219 Q: Ah, when you head the radio broadcast that, ah, there was - they were doing
1220 CPR on Mr. (Moore), did you hear before or immediately after a call for code
1221 three ambulance, medical? Did you hear any of that?

1222
1223 A: No. I didn't. I didn't hear it. I knew BFD was coming. I - I knew - I knew at
1224 some point BFD was comin' so as far as the - the spit hoods and - and when
1225 they were - I - I don't recall, you - you know, how that, you know, request for
1226 medical and when exactly it happened. I - I didn't - I didn't hear I versus, you
1227 know, they say some could.

1228
1229 Q: All right.

1230
1231 A: And I didn't hear it.

1232
1233 Q: Okay. Was there any other rank, ah, present besides officer and sergeant on
1234 the team or anyone near the scene to your knowledge?

1235
1236 A: No. Not that I recall. I - I don't recall seeing lieutenant or anything.

1237
1238 Q1: I don't have anything.

1239
1240 Q2: Um, you said you applied the wrap strap to the ankles.

1241
1242 A: Mm-hm.

1243
1244 Q: I'm guessing it needs to be tight to be effective but was it so tight that it would
1245 cut off circulation in any way?

1246
1247 A: No. I - I don't believe so.

1248
1249 Q2: Okay. And - now during the time that the subject was struggling with the
1250 officers when you entered you mentions that - that you could hear the subject
1251 screaming, saying things?

1252
1253 A: Yeah I didn't. It was just that it's - a lot of times you'll get them,, ah, people,
1254 not - not Mr. (Moore) specifically but they're just - they're just blood curdling
1255 scream, like, you know, you're - you're hurting them or you're trying to do
1256 this and it just - it's almost like a - I don't know. I - I - I was kind of

1257 sometimes it's sort of an attention but that's it, you know, and it - "Get off
1258 me." I remember, "Get off me." I remember just freaking, just, you know,
1259 like, ahhh, I don't - I can't even, you know, it was just - it - it - it was just
1260 screaming. Just - just not - not pain. More of - more of, you know, his anger
1261 screaming and, "Get off me." Not (unintelligible) nothing specific.
1262
1263 Q2: Okay. That's it for me.
1264
1265 Q: Anything else do you think, ah, you want to add that we should be aware of?
1266
1267 A: No. I think we covered everything.
1268
1269 Q: Okay. Oh, have you ever prior contact with Mr. (Moore) before?
1270
1271 A: I think I mentioned that earlier. But no I have not. I know of him but I'm as I
1272 said, he's - he's a rather unique individual.
1273
1274 Q: Do you have or not prior knowledge of that name? (Xavier Moore).
1275
1276 A: The name wouldn't necessarily click to me. It would be the totality of
1277 circumstances because the calls are always - generally the ones that I
1278 remember are mom calling requesting maybe 5150 because he's doing drugs
1279 and he's just - roommates are all gonna, you know, every - it's just like what
1280 we - what I've referred to as a (unintelligible) user. Uses a multitude of
1281 different drugs and it will actually be in those calls where the mother actually
1282 says. And I've looked for calls and go, "Well I kind of - I'm not gonna assign
1283 myself that but I'll kind of get a little closer just in case." If it goes sideways
1284 I'm there to help my beat partners out. But I've never got assigned to one of
1285 those calls.
1286
1287 Q: So that's the first time you ever saw and met Mr. (Moore)?
1288
1289 A: Yes.
1290
1291 Q: Got it. Got it. And the other () and the other guy you didn't? Or met
1292 them?
1293
1294 A: I have never met them again.
1295
1296 Q: Mr. (Hayes) or Mr. ()?
1297
1298 A: No. No contact prior.
1299
1300 Q: That's it. It is, ah, 1758 hours which is, um, 5:58 pm. End of interview with
1301 Officer Mathis, M-A-T-H-I-S.

1302

1303

1304 This transcript has been reviewed with the audio recording submitted and it is an accurate
1305 transcription.

1306 Signed _____

INTERVIEW WITH KASTMILER

Q=Sgt. Hong

Q1=Detective Johnson

Q2=Harry Stern

A=Ofc. (Nikos) Kastmiller

Q: February 13, 2139 hours. Interview with Officer (Nikos) Kastmiller. I am Sergeant Hong. H-O-N-G.

Q1: Detective Johnson. J-O-H-N-S-O-N. Badge 26.

Q2: I'm Harry Stern. S-T-E-R-N.

A: And I'm Officer (Nikos) Kastmiller. That's K-A-S-T-M-I-L-E-R. Badge #104.

Q: Thank you. Uh, state your rank Officer Kastmiller?

A: I'm a Police Officer with Berkley Police.

Q: What was the date of your hire with Berkley Police?

A: Well, I – it was uh, sometime in December of 2007. I don't remember the date exactly.

Q: Do you have any prior law enforcement o- experience pri- uh – uh, prior to BPD?

A: Uh, no.

Q: Which patrol operations team do you work?

A: Uh, Team 4.

Q: Okay. What are the normal days work and normal hours work for Team 4?

A: The uh, normal days are Monday through Thursday. The hours are 8:30 p.m. to 6:30 a.m.

46
47 Q: Okay. When I say yesterday, that means, uh, February 12th, Tuesday okay?
48
49 A: Okay.
50
51 Q: Currently, it is February 13th, uh, Wednesday, okay?
52
53 A: Okay.
54
55 Q: So what was your call sign during yesterday's shift?
56
57 A: It was uh, 4Adam7.
58
59 Q: And uh, what area or beat were you assigned to during yesterday's shift?
60
61 A: Yesterday's shift, I was beat 7 which is uh, South Campus area, Berkley.
62
63 Q: Who were your supervisors during yesterday's shift and during yesterday's
64 incident?
65
66 A: Uh, Sergeant Phillips and Huynh.
67
68 Q: Okay. Phillips is P-H-I-L-L-I-P-S and Huynh is H-U-Y-N-H and I meant to
69 ask for clarification, who are your supervisors. Not supervisor's on scene but
70 supervisors and you're still Phillips and Huynh?
71
72 A: Yeah, my Team supervisors, yes.
73
74 Q: And they are your normal supervisors?
75
76 A: Yes.
77
78 Q: Uh, when was the last shift you worked prior to yesterday's shift?
79
80 A: So yesterday being Tuesday night, the uh, shift that I worked prior to that was
81 Monday night. 8:30 to 6:30 a.m.
82
83 Q: 6:30 a.m. Tuesday morning?
84
85 A: Yes.
86
87 Q: Got it. All right.
88
89 A: Last night.
90

91 Q: Do you hold any other secondary jobs?

92
93 A: No.

94
95 Q: Did you work any overtime prior to yesterday's shift?

96
97 A: No.

98
99 Q:

100
101 A:

102
103

104 Q:

105
106 A:

107
108 Q:

Uh, have you consumed any alcohol in the past 24 hours?

109
110 A: No.

111
112 Q: All right. Do you have any medical conditions?

113
114 A: No.

115
116 Q: Before yesterday's shift, when was the last time you slept and how long?

117
118 A: Before yesterday's shift, uh, I slept from about 7:30 in the morning to about –
119 about 3:30 in the afternoon. That – so that would be Tuesday during the day.

120
121 Q: During the day Tuesday?

122
123 A: Yeah.

124
125 Q: And you reported to work Tuesday at 8:30 in the evening?

126
127 A: Correct.

128
129 Q: Okay. Did you sustain any injuries during yesterday's incident?

130
131 A: No.

132
133 Q: Do you wear corrective eye glasses or contact lenses?

134
135 A: Yes.

136
137 Q: Do you wear – which one do you wear during shift?
138
139 A: Uh, I normally wear uh, contact lenses.
140
141 Q: Contact lenses. Uh, and you wore contact lenses yesterday?
142
143 A: Yes.
144
145 Q: Uh, starting from your belt buckle, going clockwise, could you describe what
146 it is – what duty gear is on your duty belt?
147
148 A: Okay, going clockwise. Uh, from the belt buckle, it's uh, two magazines, then
149 uh, next thing um, Smith & Wesson .40 caliber department issued and then
150 next on that is a set of handcuffs. Next from that is another set of handcuffs
151 followed by a belt flash light. A radio from the department. A collapsible
152 baton. OC Peppers spray and uh, key pouch.
153
154 Q: Did your duty belt or duty gear sustain any damage from yesterday's incident?
155
156 A: No.
157
158 Q: What vehicle make and model were you driving? What's the vehicle number?
159
160 A: It's a Ford Crown Victoria, uh, vehicle 1735.
161
162 Q: Uh, what kind of markings and emergency equipment is on this vehicle?
163
164 A: It's uh, marked black and white. Also overhead police uh, lights marked with
165 Berkley Police Department on it.
166
167 Q: Do you normally drive this particular vehicle?
168
169 A: Yes.
170
171 Q: Uh, were you a single officer or a paired officer car?
172
173 A: Single officer.
174
175 Q: All right. Now you prepared a supplemental police report. Uh – uh, for this
176 incident, correct?
177
178 A: Yes.
179
180 Q: Okay and uh, it's in front of you. Could you uh, read it for us verbatim?

181

182 A: Sure. On 02/13/13 at approximately 0030 hours, I heard Officer Brown say
183 over the radio to "Send emergency cover." I responded to 2116 (Alston)
184 Way, #514 to assist. I arrived on scene and entered the apartment. I observed
185 a very large male, later identified as (Moore) laying face down on top of a
186 mattress with officers struggling to control him. Officer Two, Badge #38,
187 Officer Brown, Badge #16 and Officer B. Smith, number three, were
188 controlling (Moore)'s arms and legs as he struggled to break free from their
189 control. (Moore) was handcuffed and I assisted in controlling (Moore)'s arms
190 and preventing him from getting up. I remained with (Moore) – sorry, excuse
191 me – while waiting for BPD officer to bring a wrap device for (Moore). While
192 we were deploying the wrap, (Moore) stopped struggling. We rolled (Moore)
193 on to his left side. About a minute later, Officer (Brown) stated that, (Moore)
194 had stopped breathing. We checked for a pulse and noticed that he no longer
195 had a pulse. When we discovered this, we immediately removed (Moore)'s
196 handcuffs and laid him flat on his back. We began doing CPR on (Moore)
197 until BFD arrived on scene, began emergency treatment. I remained on scene
198 and contacted (). () was inside the apartment with BPD
199 officers and (Moore) during the initial incident. () provided a written
200 statement about the incident. See attached written statement.

201 Q: Okay, thanks. Okay. So you were on routine patrol when you heard a radio
202 traffic, correct?

203
204 A: Yes.

205
206 Q: And you said, uh, according to the police report, that the radio traffic said
207 something to the effect of send emergency cover and that was made by
208 Officer Brown?

209
210 A: Yes.

211
212 Q: Okay. Where were you – where were you when you heard this radio traffic?

213
214 A: I don't remember where exactly I was. I was somewhere on Beat 7 area. Um,
215 somewhere on my normal beat. I don't remember exactly though.

216
217 Q: Okay. And you responded uh, in what fashion? Which code?

218
219 A: Code 3.

220
221 Q: Okay. And when you arrived uh – uh, how did you enter the building?

222

223 A: The uh, building was already propped open by a door. Um, I basically arrived
224 on scene the same time as Officer (Mathis) and (Gardner) and uh, the three of
225 us, took the elevator together.
226

227 Q: Okay. So you ascended – you went up the – with the elevator, you got to the
228 fifth floor in front of apartment 514, correct?
229

230 A: Yes.
231

232 Q: Okay. When you arrived, uh, at apartment 514, um, was the door closed or
233 open?
234

235 A: Open.
236

237 Q: Okay. Um, when you yourself entered apartment 514, what was the first thing
238 you observed?
239

240 A: Uh, we observed a very large male uh, laying on what looked like a mattress
241 uh, in the corner of the apartment. Uh, he was laying on his stomach and uh,
242 there was three officers in there. Officer (Brown), (Two) and Officer (Smith).
243 Um, it was apparent that they were struggling to control him and that he was
244 kicking and flailing around.
245

246 Q: What did you do upon seeing that?
247

248 A: When I saw that, I rushed over there to assist and controlling his arms. Um, I
249 – I held his arms while he was trying to bring them up and also trying to get
250 back up.
251

252 Q: Okay. So when you said you tried to control his arms, were you grab – were
253 you trying to control both arms or – or did you have a particular arm you were
254 trying to control?
255

256 A: I was trying to grab both arms. I noticed that he was already in handcuffs, but
257 again, he was trying to bring his arms up and he also tried to grab my wrists
258 while he was holding there, but I was trying to hold both of his arms to keep
259 them in that position.
260

261 Q: So when you arrived and you went in to assist, he was already handcuffed,
262 correct?
263

264 A: Yes.
265

266 Q: Uh was it one set, two sets, three sets? Do you recall how many sets were
267 linking his arms together?

268
269 A: I don't remember how many cuffs were used.
270
271 Q: Okay. But even though he was handcuffed, you described him still actively
272 resisting, is that correct?
273
274 A: Yes.
275
276 Q: Okay, like when you were saying that he tried to get – was he trying to – what
277 – describe a little bit more in detail what he was doing as he was resisting
278 even though he was in handcuffs.
279
280 A: He um, I remember his legs were flailing around and he was trying to kick uh,
281 officers off of his legs. He was trying to basically stand back up it seemed
282 like.
283
284 Q: Okay. And what kind of force were you using to keep uh, control of Mr. uh,
285 (Moore)?
286
287 A: I was holding his two um, arms and uh, I was also using my shin and knee on
288 the back of his left leg to keep them stationary on the – on the mattress.
289
290 Q: Okay. Do you recall uh, while you were trying to uh, maintain control of Mr.
291 (Moore), (Xavier Moore) that's this deceased person, when you're trying to
292 maintain control of Mr. (Moore) what was – can you recall what Officer
293 (Two) was doing?
294
295 A: I – I...
296
297 Q: If you can recollect?
298
299 A: ...I remember he was there. Uh, I don't remember specifics on what he was
300 doing. We were all trying to basically prevent him from getting up and
301 continuing the fight. I don't remember specifically what he was doing though.
302
303 Q: Okay, do you remember his positioning? What Mr. (Moore)...
304
305 A: He was standing uh, opposite me and so if (Moore)'s laying on the ground, I
306 was closest to his left side. Office (Two) was um, on his right side.
307
308 Q: Right side?
309
310 A: Yeah.
311
312 Q: Is he on the ground or on the mattress?

313
314 A: I'm sorry. While he's uh, stomach down on the uh, mattress.
315
316 Q: Okay. Where was Officer (Brown)?
317
318 A: Officer (Brown) was to the left of me, uh, closer towards the upper portion of
319 his body.
320
321 Q: What about Officer (Smith)?
322
323 A: Officer (Smith) was to the right of me uh, also, again on the left side of his
324 body.
325
326 Q: To the right side or left side?
327
328 A: Left side is what I remember.
329
330 Q: Left side? Okay. All right.
331
332 A: To my right, but off to the left side of (Moore)'s body.
333
334 Q: Okay. All right. Um, uh, do you recall what Officer – which body part of Mr.
335 (Moore) was he was grabbing onto?
336
337 A: No.
338
339 Q: Okay. Uh, I forgot to ask, what about um, Officer (Brown)?
340
341 A: No, I don't.
342
343 Q: Okay. Uh, do you recall any other officers arriving to it – well what was
344 Officer (Mathis) doing? Do you recall?
345
346 A: I believe he was trying to control (Moore)'s legs. Um...
347
348 Q: Okay, what about Officer (Gardner)?
349
350 A: I believe he was also trying to do the same thing.
351
352 Q: Okay. All right. Um, at this point did any other officer arrive to assist in
353 addition – excluding the room. You guys are already there. Do you know
354 who else arrived at all?
355
356 A: I – I know uh, Sergeant (Phillips) and Sergeant (Cardoza) um, arrived shortly
357 after but any other officers, I'm – I'm not aware of.

358
359 Q: Okay. So after the handcuffs are placed and was there a – well – do – do you
360 know, was it successful, Officer (Mathis) in restraining um, his legs? Mr.
361 (Moore)'s legs?
362
363 A: I – I could – I wasn't actively watching him so I don't know for sure. I do
364 remember his legs were flailing around.
365
366 Q: Okay.
367
368 A: But I – I – again, I wasn't looking directly at what Officer (Mathis) was doing,
369 so I don't know.
370
371 Q: Uh, during – during this portion while you were present and Mr. uh,
372 (Moore)'s – would you say that even though he was handcuffed, he was
373 actively still resisting?
374
375 A: Yes.
376
377 Q: Was he yelling anything? Was he saying anything?
378
379 A: No.
380
381 Q: Nothing?
382
383 A: No.
384
385 Q: He wasn't yelling at any point? At that time, he was quiet when uh, but he
386 was physically resisting but at that time he wasn't yelling anything?
387
388 A: Correct.
389
390 Q: When you were there? Okay, got it. Um - um, let's see. Did you, at all hear
391 Mr. (Moore) uh, while you were there with him ver- verbalize and say, I could
392 – he – that he couldn't breathe or that he needed medical attention or that he
393 was hurt in any way?
394
395 A: No.
396
397 Q: Okay. Now, did you at all see any officer, to your recollection, uh, putting
398 pressure on Mr. (Moore)'s head or neck?
399
400 A: No.
401

402 Q: What about putting pressure on his chest area, stomach area, diaphragm,
403 etcetera?
404
405 A: No.
406
407 Q: So, now explain to me after – was there at any point, Mr. (Moore) calms
408 down?
409
410 A: There was a point when we basically uh, had the wrap and we were kind of
411 unstrapping the wrap and I believe we initially put the leg restraints on him
412 was kind of when he stopped uh, resisting, basically.
413
414 Q: Stopped physically resisting?
415
416 A: Yes.
417
418 Q: Okay.
419
420 A: But I believe at that point, he was already on his side.
421
422 Q: Okay. He was already on his side.
423
424 A: When we were trying to figure out how to deploy the wrap because he's a
425 larger individual uh...
426
427 Q: Okay.
428
429 A: ...while that was going on, yeah.
430
431 Q: To your rec- best recollection, how do you describe uh, Mr. (Moore)'s height
432 and weight?
433
434 A: Uh, very large in stature. Heavy stature too.
435
436 Q: Can you give an estimated poundage or no?
437
438 A: Probably about 400 pounds.
439
440 Q: Okay. About how tall you think?
441
442 A: Uh, probably 6'2", 6'3".
443
444 Q: 6'2", 6'3"?
445
446 A: That's what it seemed like, yeah.

447
448 Q: Okay. Um, did uh, during the brief moment where uh, Mr. (Moore) was still
449 struggling, did you hear any officers commanding – making any verbal
450 commands to uh, to Mr. (Moore) in any way? Telling him – giving him
451 orders to calm down? Giving him orders to stay still? What – whatever you
452 can recollect.
453
454 A: I do remember somebody saying to uh, calm down and stop resisting. I don't
455 remember who exactly said that, but remember hearing that.
456
457 Q: So he was placed on his side you said, correct?
458
459 A: Yes.
460
461 Q: Do you remember which side, left or right?
462
463 A: Left side.
464
465 Q: Left side. And at this point, he's calm. He's not resisting anymore?
466
467 A: Correct.
468
469 Q: Okay. To the point of – so he's now calm and you mentioned early on in your
470 interview that he started having uh, difficulty breathing, is that correct?
471
472 A: Yes.
473
474 Q: Okay, well how long was that time span between the time he went calm to the
475 time he started having difficulty breathing?
476
477 A: I estimate it at maybe a minute or so.
478
479 Q: Okay. And uh, did you yourself notice that he was having difficulty or did
480 somebody – some officer say something that prompted you to uh, notice as
481 well?
482
483 A: No, well Officer (Brown) said uh, I – something uh, to the effect of, "I think
484 he's not breathing." At that point, I wasn't aware and uh, I tried to confirm
485 also.
486
487 Q: You tried to what?
488
489 A: Tried to confirm that he wasn't breathing.
490
491 Q: Okay.

492
493 A: And tried to check to see if he was after I heard her say that.
494
495 Q: Okay and you when – you wanted to try to check to confirm, what were you
496 doing to confirm if he wasn't breathing or not?
497
498 A: Uh, I – I put my hand kind of on his – his stomach to – well, stomach, chest
499 area to see if I could feel breath coming out or his chest rising...
500
501 Q: Mm-hm.
502
503 A: ...and lowering. Um, I didn't feel anything.
504
505 Q: Anything else that you do?
506
507 A: I tried to check for his pulse. Um, I wasn't really able to because he was still
508 in handcuffs. I was trying to but I couldn't feel for any pulse and I wasn't
509 sure if that was because um, the handcuffs were interfering with it or just that
510 he didn't have a pulse.
511
512 Q: Okay. Um, so when uh, that occurred, what – what occurred next when –
513 when you guys uh, realized he was not breathing?
514
515 A: When we realized he wasn't breathing uh, and that he no longer had a pulse,
516 we immediately took off his – his handcuffs and uh, rolled him onto the floor,
517 flat on his back.
518
519 Q: What part did you take in the un- in – in the removal of the handcuffs and
520 rolling him onto his back? Do you recall?
521
522 A: Uh, I believe I was holding onto one of his wrists making sure that um, if he
523 was awake and – or if he did wake up, that he was not going to actively resist
524 again and continue fighting so I believe I was controlling one of his wrists
525 while we were taking the cuffs off.
526
527 Q: Okay. Do you recall which officer re- released the cuffs from the wrists?
528
529 A: I don't.
530
531 Q: And um, so he's on his back and you – and you uh, and the officers started
532 CPR, is that correct?
533
534 A: Yes.
535
536 Q: And which officer had what role in the CPR, if you recollect?

537
538 A: Uh, I remember Officer (Two) was doing the chest compressions.
539
540 Q: Okay. And then do you recall uh, if any officer summoned the paramedics?
541
542 A: Yeah, I believe um, they were – they were summoned. I don't recall who was
543 the first person to call for BFD.
544
545 Q: Mm-hm.
546
547 A: But I do remember hearing over the radio, somebody requesting paramedics.
548
549 Q: Okay.
550
551 A: I believe that was actually the initial point when he stopped uh, breathing.
552 When we noticed that he was no longer breathing and had no pulse.
553
554 Q: Okay.
555
556 A: So earlier.
557
558 Q: And uh, eventually – while you were still inside the apartment when the uh,
559 paramedics arrived, correct?
560
561 A: Yes.
562
563 Q: Okay, what were you doing while uh, the others were doing uh, - well, certain
564 officers were doing CPR. What were – what were you doing at that time?
565
566 A: I was uh, controlling his right arm.
567
568 Q: Okay.
569
570 A: And also his right leg just in case – because he was no longer handcuffed.
571
572 Q: Yeah.
573
574 A: Um, if he did wake up, I didn't want him to be able to swing his fist and hit
575 Officer (Two), while Officer (Two) was uh, giving him chest compressions.
576
577 Q: Okay. And you kept doing that until the paramedics arrived?
578
579 A: Correct.
580

581 Q: Okay. When the paramedics arrived, did you release – or did you just uh,
582 back off?
583
584 A: Yes.
585
586 Q: Okay. And uh, paramedics came, kept working on Mr. (Moore) and
587 eventually Mr. (Moore) was taken out of the apartment?
588
589 A: Yes.
590
591 Q: Okay. Once Mr. (Moore) was taken out of the apartment, well what did –
592 what did you do thereafter, once Mr. (Moore) was now out of the apartment
593 and in en route to the hospital?
594
595 A: I uh, contacted um, Mr. () outside the uh, apartment and obtained a
596 written statement from him.
597
598 Q: Before uh, taking the statement from Mr. () did you know who he was
599 and why you were taking a statement from him?
600
601 A: No, not initially. Uh, Officer (Cardoza) – I'm sorry, Sergeant (Cardoza), told
602 me that um, Mr. () was a witness and inside the uh, building prior to
603 police arrival but I was not aware of that until I had spoken to him.
604
605 Q: Okay. And then you – and then you took a uh, statement from Mr. (),
606 correct?
607
608 A: Yes.
609
610 Q: So you hand wrote the statement uh, and uh, Mr. () signed it as true
611 and factual, correct?
612
613 A: Yes.
614
615 Q: Okay. After you – the statement you took from Mr. ()- where – where
616 was the statement taken – where that location was?
617
618 A: Uh, it was still in the apartment building. It was outside of the apartment on
619 the fifth floor, kind of near the elevator.
620
621 Q: Okay. After you completed the statement from Mr. (), what did you
622 do afterwards?
623
624 A: Uh, afterwards, um, I helped Officer (Mathis) uh, lock up the uh, apartment.
625 Mr. () had some belongings inside the apartment that he needed to

626 retrieve. Uh, clothing and also his wallet so we allowed him to grab that
627 before securing the apartment.
628
629 Q: Okay. And who's keys did you guys use to secure the apartment?
630
631 A: I believe it was uh, Mr. (Hayes), (John Hayes).
632
633 Q: How do you know Mr. (Hayes)?
634
635 A: Uh, I – I learned about him from () during the statement.
636
637 Q: Got it.
638
639 A: Um, yeah.
640
641 Q: Okay. And after you uh, helped uh, secure the apartment, what did you do
642 afterwards – after that?
643
644 A: Uh, I'd went back to the police station to start writing supplemental report.
645
646 Q: Okay. Couple more questions. One is, when you received the radio broadca-
647 when you got prompted to go based on radio broadcast and when you went
648 upstairs and you started assisting in uh, controlling Mr. (Moore), did you
649 know at the time, why Officer were – why Mr. (Moore) was in handcuffs?
650
651 A: No.
652
653 Q: Okay. Um, uh, while you were there while Mr. (Moore) was in handcuffs and
654 uh, and all the – all divisions you told us already, did you at any point see any
655 of the officers, including yourself, strike Mr. (Moore) with uh, open hand or
656 closed – closed fist?
657
658 A: No.
659
660 Q: Do you see any officer deploy uh, OC?
661
662 A: No.
663
664 Q: Did you – you see any officer uh, strike Mr. (Moore) with the baton?
665
666 A: No.
667
668 Q: Did you see any officer strike with any type of blunt object?
669
670 A: No.

671
672 Q: Did anybody discharge their firearm?
673
674 A: No.
675
676 Q: Did anybody use their uh, duty pistol to strike Mr. (Moore) with?
677
678 A: No.
679
680 Q: Um, the – including – in addition to the officers you mentioned, how many –
681 which sergeants do you recall seeing on scene or in or around the property at
682 the time of the incident?
683
684 A: Sergeant uh, (Phillips) and Sergeant (Cordoza).
685
686 Q: Okay. Did you recall seeing any other sergeant right before that?
687
688 A: No.
689
690 Q: Okay. Did you see any other rank officer other than sergeant or officer there
691 on scene?
692
693 A: No.
694
695 Q: Okay. Uh, um, anything?
696
697 Q1: I don't actually.
698
699 Q2: I have a few. Did anybody, including yourself, kick Mr. (Moore)?
700
701 A: No.
702
703 Q2: All right. Do you use uh, I'm reviewing your supplemental report, okay. All
704 right. You used the phrase in the second line, "Laying face down." Uh, do
705 you mean that literally, Mr. (Moore)'s face was in the mattress or can you
706 clarify that.
707
708 A: No. It didn't appear his face was actually on the mattress. When I say face
709 down, I mean that as uh, being basically, on his stomach. Um, that direction,
710 but to my recollection, there was a gap in between the mattress and the wall
711 and uh, I don't believe his face was actually directly pressed into the mattress.
712
713 Q2: Could he – I know you don't know whether he could breathe but he – he
714 appeared to have the ability to breathe based on his position that you
715 observed?

716
717 A: Yes.
718
719 Q2: Do you ever have any prior encounters with Mr. (Xavier Moore)?
720
721 A: Yes.
722
723 Q2: Can you describe them?
724
725 A: Yes. I um, I had some contacts with uh, (Xavier Moore) when he used to live
726 at the uh, University Hotel on uh, University Avenue when I worked at Beat
727 3. Um, during those incidences, there was uh, disturbances and also fights
728 involving himself and uh, other tenants. Um, there was also disturbance calls
729 relating with him and uh, drug use um, specifically crack cocaine. Uh,
730 disputes regarding that.
731
732 Q2: Did you ever have the opportunity to speak to one of his relatives about Mr.
733 (Xavier Moore)?
734
735 A: Yes, I spoke to his mother.
736
737 Q2: What was the nature of that conversation if you recall?
738
739 A: Uh, Mr. (Moore)'s mother was concerned uh, about (Xavier)'s welfare. Uh,
740 she expressed to me concerns of his uh, psychiatric behavior and also his uh,
741 drug use. That she was concerned about – uh, she was also concerned that the
742 location that he was living at uh, was not the best environment and also not
743 the safest for him specifically.
744
745 Q2: I don't have any other questions.
746
747 Q: Me either. Uh, you have anything else you want to add?
748
749 A: No.
750
751 Q: Okay. It's 2205 hours. 2205 hours. End of interview with Officer Kastmiller.
752
753
754 This transcript has been reviewed with the audio recording submitted and it is an accurate
755 transcription.
756 Signed _____

INTERVIEW WITH OFC. (TIMOTHY) GARDNER

Q=Sgt. Hong

Q1=Det. Johnson

Q2=(Harry) Stern

A=Ofc. (Timothy) Gardner

Q: Okay. It's February 13, uh, Wednesday 1814 hours. This is interview with Officer (Tim) Gardner. My name is Sergeant Hong, H-O-N-G.

Q1: Detective Johnson, J-O-H-N-S-O-N, badge 26.

Q2: I'm (Harry) Stern, S-T-E-R-N. I'm here representing Officer Gardner.

A: (Timothy) Gardner, last name G-A-R-D-N-E-R.

Q: All right. Uh, Officer Gardner, you signed your waiver?

A: Yes.

Q: All right. Okay. A- Officer Gardner, could you state your rank and badge number?

A: Uh, patrol officer, badge number 121.

Q: What was your hire date with Berkeley Police Department?

A: Hmm. Uh, my date of seniority is, uh, let's see, January 1, 02.

Q: Got it. Do you have any prior law enforcement experience outside of Berkeley Police Department?

A: No.

Q: Which patrol operations team were you working yesterday's shift?

A: Team three.

45 Q: Yesterday we're all -- when I say yesterday we're always talking about
46 February 12, the day of the incident.
47
48 A: Right.
49
50 Q: Okay. Team three. Okay. What are the normal days worked and normal hours
51 worked for team three?
52
53 A: Monday through Thursday, 3:30 in the afternoon till, uh, 0130 in -- in the
54 morning.
55
56 Q: What was your call sign during the -- yesterday's shift?
57
58 A: 3A16.
59
60 Q: And what area or beat are assigned to yesterday's shift?
61
62 A: Uh, walk front area mostly and the marina.
63
64 Q: Okay. In beat 16?
65
66 A: Yes.
67
68 Q: Uh, who were your supervisors for yesterday's shift?
69
70 A: Uh, Sergeant (Shawn) Ross and (Ben) Cardoza.
71
72 Q: Again Ross is -- Sergeant Ross is R-O-S-S. Cardoza Sergeant is C-A-R-D-O-
73 Z-A. And are they your normal supervisors?
74
75 A: Yes.
76
77 Q: When was the last shift you worked prior to yesterday's shift?
78
79 A: The preceding day.
80
81 Q: Okay. Today is currently Wednesday. Yesterday's shift was a Tuesday.
82 Preceding day you were referring to Monday.
83
84 A: Monday.
85
86 Q: Uh, do you hold any secondary jobs?
87
88 A: No.
89

90 Q: All right. Did you work any overtime after y- um, the last shift you worked
91 prior to the shift of yesterday's incident?
92
93 A: No.
94
95 Q: Have you taken any medication, prescription or otherwise?
96
97 A: No.
98
99 Q: Have you consumed any alcohol in the past 24 hours?
100
101 A: Mm, yes. I had a couple beers when I got home last night.
102
103 Q: Okay.
104
105 Q2: That was post this incident?
106
107 A: Yes.
108
109 Q1: It was after (unintelligible).
110
111 Q2: Okay.
112
113 Q: Uh, do you have any medical conditions?
114
115 A: Uh, no.
116
117 Q: When was the last time you slept, how long, and between what hours let's say
118 prior to yesterday's shift?
119
120 A: Prior to yesterday's shift?
121
122 Q: Yeah.
123
124 A: So...
125
126 Q: How much rest did you get (unintelligible).
127
128 A: ...the night before?
129
130 Q: Correct.
131
132 A: Uh, I think I had about eight to nine hours. Yeah, I believe that.
133
134 Q: Okay. Uh, did you sustain any injuries during yesterday's incident?

135
136 A: Yes. I twisted my right knee.
137
138 Q: Did you complete the injury – city's and – and police department's injury
139 report?
140
141 A: Yes.
142
143 Q: Okay. Um, did you sus- um, I'm sorry. Do you wear corrective eyeglasses or a
144 contact lenses?
145
146 A: No.
147
148 Q: Okay. Starting with your front of your duty belt starting with the buckle going
149 clockwise could you describe what duty gear is on your duty belt?
150
151 A: Uh, well clockwise let's see. (Unintelligible) um, handcuffs case with
152 handcuffs, key ring, uh, pistol, and, um, left side, uh, flashlight, radio, baton
153 ring, asp, and then, uh, extra magazines.
154
155 Q: Okay. Your magazine pouch, correct?
156
157 A: Yeah.
158
159 Q: Did your duty belt or any gear on your duty belt sustain any damage?
160
161 A: Not that I'm aware of.
162
163 Q: The vehicle make and model you were driving during yesterday's shift?
164
165 A: Uh, no idea what the year is. It's a Crown Victoria – Ford Crown Victoria.
166
167 Q: Remember the vehicle number?
168
169 A: Yeah, 1742.
170
171 Q: All right. What kind of markings and emergency equipment is on this vehicle?
172
173 A: Um, standard police markings for the Berkley Police Department, uh, insignia
174 on the sides, black and white color scheme with a emergency light bar and
175 spot lights right and left.
176
177 Q: Okay. Do you normally drive this particular vehicle?
178
179 A: Yes. It's the, uh, beat 16, uh, car.

180
181 Q: Were you a single officer car or a paired officer car?
182
183 A: Single.
184
185 Q: Now you've completed your supplemental police report regarding this
186 incident, correct?
187
188 A: I have.
189
190 Q: All right. And could you read your completed report for us?
191
192 A: Summary. Sorry. On the listed date just after time of report I heard a broadcast
193 of additional units needed for a call at 2116 (Austin) Way number 514. It was
194 apparent from the broadcast that BPD officers were involved in a struggle
195 with a violent subject. I responded code three and when I reached the
196 apartment I saw several BPD officers struggling to take an extremely large
197 and violently resisting partially naked person into custody. The person
198 appeared to be approximately 400 pounds and it took several officers'
199 combined efforts to control his hands. Along with several officers who arrived
200 with me we m- finally managed to place him into handcuffs and called for
201 BFD to respond to assist with transporting him. After we had successfully
202 placed him in handcuffs it appeared he had suddenly stopped breathing. I
203 assisted with immediately uncuffing him while other officers requested
204 emergency medical assistance and began chest compressions. BFD arrived
205 shortly thereafter and began efforts to revive the person.
206
207 Q: Okay. Can I see (unintelligible) real quick? All right. Okay. So when you
208 heard the, uh, radio broadcast of, uh, additional – request for additional units
209 do you recall who made that broadcast and what the words were if you can
210 recollect?
211
212 A: Um, it was A4.
213
214 Q: Mm-hm.
215
216 A: Uh, Officer (Glen Brown) and it was a partially broken transmission and what
217 I heard was send us more officers or something to that effect.
218
219 Q: Okay. And you res- responded in what manner, uh...
220
221 A: Uh...
222
223 Q: ...what code?
224

225 A: ...I responded code three, lights and sirens.
226
227 Q: Obviously you – you did so because there was a reason. Do you recall why
228 you did so?
229
230 A: Well, I – it – it was clear that she was in some kind of struggle to overcome,
231 uh, a person and that y- you know, from the quality of her transmission it was
232 an emergency.
233
234 Q: Okay. And you re- responded from where?
235
236 A: I think it was Sacramento – or, uh, San Pablo and Bancroft thereabouts.
237
238 Q: Okay. Eventually you arrived on scene.
239
240 A: Yes.
241
242 Q: Um, did you speak with anyone, uh, prior to going to the unit where, uh, the
243 officers were at all...
244
245 A: Um...
246
247 Q: ...when you arrived?
248
249 A: ...well I – I saw other officers there and we started going through the open
250 door...
251
252 Q: Mm-hm.
253
254 A: ...or to the apartment building and then we jumped in the elevator and, uh,
255 you know, I think, um – I think (Mathis) said something like, "Is that
256 everybody?" And I said, "We've got enough. Let's go."
257
258 Q: Okay. Who jumped in the elevator with you guys?
259
260 A: I think it was, um – uh, (Nikos). I don't know his last name. Kastmiller?
261
262 Q: Kastmiller.
263
264 A: Yeah. And, uh, so then we went up to the fifth floor.
265
266 Q: Okay. So in the elevator with you was yourself, (Mathis), and, uh, Kastmiller?
267
268 A: Yes.
269

270 Q: Okay. Uh, and so you made it up to the fifth floor...

271
272 A: Yeah.

273
274 Q: ...and, uh, when you reached the apartment was the door open or closed?

275
276 A: It was open.

277
278 Q: Open. Uh, could you just describe, uh, the general description of the area in
279 which this area – in which this incident occurred? General description of the
280 area that this, uh, incident occurred.

281
282 A: You mean in the apartment?

283
284 Q: Yeah. Or the landing, apartment, and what you observed before we talk about
285 what you saw in terms of the struggle, et cetera.

286
287 A: Um, well, there's s- you know, the elevator opens up and there's – it seems
288 like an interior courtyard...

289
290 Q: Okay.

291
292 A: ...and I had to walk around the, um, I guess there was a railing maybe or
293 something like that. And so I walked around kind of an L to get to the open
294 door.

295
296 Q: Mm-hm.

297
298 A: And, uh, so I guess the – the doors kind of open out into the courtyard but
299 they don't face the courtyard necessarily. I think they were just like, kind of
300 walls that divide them.

301
302 Q: Okay. All right. And, um, so when you got there you s- uh, you saw the door
303 was already open?

304
305 A: Yes.

306
307 Q: Okay. And you looked in?

308
309 A: Yes.

310
311 Q: Okay. Co- uh – uh, without talking about the people can you talk about what
312 the rooms looked like to the best of your recollection?
313

314 A: I don't remember a lot about what the room looked like. I just remember an
315 open door and I was able to look through to a like – a living room area or
316 something like that...

317

318 Q: Hmm.

319

320 A: ...where there was like, a – a mattress and some clothes strewn about.

321

322 Q: Okay. So you saw a mattress and – okay.

323

324 A: Yes.

325

326 Q: Um, so you look in and what are you observing in terms of the officers and
327 the subject?

328

329 A: Um, I observe, uh, a – my first observation was a very large person, very fat,
330 very a lie, obese grotesquely morbidly obese person with three officers
331 struggling to, uh, subdue him.

332

333 Q: When you say they were struggling to subdue him what was the position of
334 the subject and subject we're gonna be referring to him as Mr. (Moore).

335

336 A: Okay.

337

338 Q: His name is – last name (Moore). Um, what was Mr. (Moore)'s position and
339 what was the, uh – the positioning of the officers when they were trying to
340 subdue him?

341

342 A: Um, I think Officer (Tu) – he was i- i- first of all he was kind of on his knees
343 and his elbows, uh, or tha- well, maybe his knees and his shoulders 'cause his
344 hands were partially behind his back, um, and it looked like he was trying to
345 rise up. Um, Officer (Tu) would've been against the wall, uh, on the – on Mr.
346 (Moore)'s, uh – uh, right side. And, um, Officer (Brown) would've been
347 towards his front, his shoulder area. And, um, I think it was (Brandon Smith)
348 had ahold of h- the left side of him.

349

350 Q: So Officer (Tu) was to the w- right of Mr. (Moore)...

351

352 A: Yeah.

353

354 Q: ...(Brandon Smith)...

355

356 A: Mm-hm.

357

358 Q: ...was to the left, and Officer (Brown) towards the shoulder...

359
360 A: Mm-hm.
361
362 Q: ...frontal shoulder area?
363
364 A: Yeah.
365
366 Q: Okay. And were they, uh – which way was – again, so you're saying based on
367 what you described that Mr., um – uh, (Moore) s- was on his belly or on his
368 back?
369
370 A: He wasn't on his back.
371
372 Q: Okay.
373
374 A: But I don't know if he was on his stomach or partially on his side 'cause a- all
375 I remember is focusing on where were his hands for the most part...
376
377 Q: Okay.
378
379 A: ...because I – he was not yet handcuffed.
380
381 Q: So when you entered...
382
383 A: Mm.
384
385 Q: ...uh, it was only Officer (Tu), (Smith), and (Brown). Only those three?
386
387 A: Right.
388
389 Q: Okay. And you entered obviously you said – you said with Kastmiller and
390 (Mathis)...
391
392 A: Mm-hm.
393
394 Q: ...and he was not handcuffed?
395
396 A: N- no.
397
398 Q: Okay. So, uh, seeing what you see and the struggle that you see what did you
399 – what did you do in terms of (unintelligible)?
400
401 A: Well I went to grab one of his hands or to help because I saw that there were
402 handcuffs on at least one wrist and they seemed to be – there seemed to be at
403 least two sets of handcuffs linked together.

404
405 Q: Mm-hm.
406
407 A: And so one of his hands was free and I focused on that hand, uh, and just tried
408 to help them bring the one handcuff open clasp or hasp I guess it's called over
409 to the uncuffed wrist.
410
411 Q: Do you recall which hand was cuffed and which hand was still uncuffed?
412
413 A: I don't. Not with any clarity.
414
415 Q: So you grabbed the uncuffed hand you're saying?
416
417 A: Well, I – I tried to. I – I – I think at some point I was able to kinda help push
418 his, uh, hands together but I didn't have like, a very clean grip.
419
420 Q: Okay. Um, so, uh, eventually you guys were able to successfully handcuff
421 him?
422
423 A: Yes.
424
425 Q: Okay. Um, and, uh – and the people who were doing the – if you can recall
426 the specific officers that was assisting in the successful handcuffing on Mr....
427
428 A: Mm-hm.
429
430 Q: ...uh, (Moore)...
431
432 A: Mm-hm.
433
434 Q: ...do you know which officers were involved in that?
435
436 A: I – I don't know for sure.
437
438 Q: Okay.
439
440 A: So...
441
442 Q: Well were you involved?
443
444 A: I – I was involved yeah...
445
446 Q: Okay.
447
448 A: ...at that point.

449
450 Q: Um, do you remember how Mr. (Moore) was clothed?
451
452 A: He was partially naked or his, uh – like, there seemed to be something around
453 his legs l- and that was it – his lower extremities.
454
455 Q: Do you remember if any of- other officers took – try to take control of Mr.,
456 uh, (Moore)'s legs?
457
458 A: Yes.
459
460 Q: What do you recall?
461
462 A: Um, well, I recall that he was still, uh, struggling. It – it seemed like he was
463 trying to still get up.
464
465 Q: Mm-hm.
466
467 A: Um, and I think (Mathis) had ahold of his lower legs – his ankles. And
468 someone, uh, called for the wrap.
469
470 Q: Mm-hm.
471
472 A: And it was apparent that he would not fit in the wrap and so we decided that
473 we would, uh, put the hobble restraint from the wrap on his ankles.
474
475 Q: Okay, there's a hobble restraint...
476
477 A: So I helped with that.
478
479 Q: ...the strap part for...
480
481 A: Yeah, the strap.
482
483 Q: So you assisted in the...
484
485 A: Yes.
486
487 Q: ...wrapping of the ankles?
488
489 A: Yeah.
490
491 Q: Okay. So it was you and (Mathis)?
492

493 A: Yeah. And – and I think – I – I’m not sure but I think it was (Cardoza)
494 dropped the wrap right next to us and I said, “Let me have the hobble or the
495 strap,” and he gave it to me and I gave it to (Mathis). And (Mathis) w- at that
496 point was holding onto his f- ankles...

497
498 Q: Mm-hm.

499
500 A: ...because they were thrashing around. Um, so I handed him the hobble or the
501 strap, whatever it’s called, and then held his ankles while (Mathis) wrapped
502 the strap around his, uh, ankles.

503
504 Q: Okay. Um, so when you described when you first got there and you saw
505 Officer (Smith), Officer (Tu), and Officer...

506
507 A: Mm-hm.

508
509 Q: ...(Brown), uh, e- d- would you describe it as them having a very difficult
510 time with this mist- Mr. (Moore)?

511
512 A: Yeah. I don’t – I don’t think that they would’ve been able to handcuff him if it
513 weren’t for our assistance.

514
515 Q: So the three officers were e- three officers are already having a very difficult
516 time and you were – you – it’s your belief that without your help and the other
517 officer’s help that it would’ve been very – it would’ve been hard and difficult
518 for them to successfully handcuff him?

519
520 A: Yes. That’s very true and I did notice that Officer (Tu) was – was a- clearly
521 fatigued like, he was on the verge of, uh, losing his ability to, uh, continue to
522 struggle.

523
524 Q: Okay. Uh, during the struggle period where Mr., uh, (Moore) was n- uh, not
525 complying...

526
527 A: Mm-hm.

528
529 Q: ...did you hear officers give verbal commands to Mr. (Moore)?

530
531 A: I do but I don’t remember what they were.

532
533 Q: Okay. But you knew they were police commands?

534
535 A: Yes. Yeah.

536
537 Q: But you can’t remember what it was?

538
539 A: I don't rem- but I – I remember that there was some instruction for him to,
540 you know – you just – stop resisting or put his hands – just put his hands
541 behind his back, something like that. I don't remember exactly though.
542
543 Q: Okay. Now Mr. (Moore), uh, do you remember him v- saying anything,
544 yelling – what was his – what was he verbalizing during this – the struggle?
545
546 A: I remember him – him yelling loudly, uh, but I don't remember h- h- or him
547 articulating any words that I could make out.
548
549 Q: Okay. Um, do you recall if Mr. (Moore) was complaining of pain of any way
550 or complaining that he was having difficulty breathing of any way during the
551 struggle?
552
553 A: I didn't hear any of that. No.
554
555 Q: Okay. Um – uh, y- would you characterize Officer (Mathis), Officer (Tu) as
556 big – big officers? Um, and Officer (Smith) as well?
557
558 A: Yeah.
559
560 Q: And you are – what's your stature? Your height and weight?
561
562 A: S- uh, 6 feet, 195.
563
564 Q: 195. Okay. And, uh, based on y- and you consider yourself in shape?
565
566 A: Reasonably. Yeah.
567
568 Q: And, uh, your felt it – do you feel that, um – uh, y- y- during the struggle that
569 you yourself was having a difficult time controlling...
570
571 A: Oh, yeah. I mean, when I was holding onto his feet it was – I – it – I – it was
572 all I could do to hold his – his ankles down.
573
574 Q: Okay.
575
576 A: Uh...
577
578 Q: Uh, I know you said you assisted in handcuffing...
579
580 A: Mm-hm.
581
582 Q: ...and then thereafter you assisted in the, uh, ankle restraint.

583
584 A: Mm-hm.
585
586 Q: Did you at all – can you – during that period c- can you describe if you can
587 recollect the positioning of – was a, uh – other officers were they at all on top
588 of Mr. (Moore), uh, on top of chest, on top of his belly, on top of his head, any
589 of that do you recall?
590
591 A: I don't really recall that, um, anybody on him because my focus was really
592 literally on getting his hands handcuffed and then I immediately moved to his
593 feet to help (Mathis). So, um, I don't – I don't have a recollection of someone
594 squarely on him.
595
596 Q: Do you recall what as- Officer Kastmiller was doing?
597
598 A: No.
599
600 Q: Okay. Um – um, are you, uh, based on your training and experience and or
601 any additional training you may have or specialized training are you able to,
602 uh, recognize somebody who may be under the influence of some kind of
603 narcotic or illicit drug?
604
605 A: Sure.
606
607 Q: Okay.
608
609 A: Yeah.
610
611 Q: Would you based on your esti- based on your training and your experience
612 would you say that this Mr. (Moore) was under the influence of an- in any
613 way?
614
615 A: It w- just based on his behavior it was my suspicion that that's – that he was
616 under the influence of a – some kind of stimulant.
617
618 Q: Okay.
619
620 A: Uh, and especially given also the I guess his strength.
621
622 Q: Strength?
623
624 A: Yeah.
625
626 Q: Okay. Did he smell of alcohol?
627

628 A: I don't remember that.

629

630 Q: Uh, was he sweating profusely (unintelligible) anything like that?

631

632 A: Um, no. It was just more from – from my point of view his – the – the violent
633 behavior and – and the I guess how strong he was in – in the – in terms of his
634 resistance.

635

636 Q: Okay. Um, before going – let me back track just, uh, real briefly. Before going
637 to the call for assistance on the radio did you even know what type of call that
638 these officers were at? (Brown) and, uh, (Tu).

639

640 A: I remember hearing the call originally of some kind of disturbance, some kind
641 of, uh, fight between roommates and I heard three units – I believe three units
642 got dispatched to it. So I just kind of absently heard it and – and then I didn't
643 hear anything more until all of a sudden I heard (Elaine Brown)'s re- voice on
644 the radio asking for help or cover – additional units.

645

646 Q: Okay. Uh – uh, let me just do this real quick then. Have you ever had any
647 prior contact with Mr. (Moore)?

648

649 A: Not that I am aware of.

650

651 Q: Okay. Do you have any prior knowledge of Mr. (Moore), who he was and
652 what he was all about?

653

654 A: Um, no. I – I kinda feel like there was a call last week, uh, of a 5150 at some
655 point and I thought maybe it was the same person when the call went out but I
656 have no idea if it was or not.

657

658 Q: Okay. Um, all right. So, uh, you said that you were – you – you – you and the
659 other officers were able to successfully handcuff him. And were you and
660 Officer (Mathis) or any other officer together able to suc- successfully restrain
661 his ankles?

662

663 A: Yes, we were.

664

665 Q: Okay. After his ankles were restrained and he's now in handcuffs did the
666 struggle continue?

667

668 A: Um, yeah. We e- he was still trying to lift up his legs, um, and move. Um, I
669 don't know how long that went on...

670

671 Q: Okay.

672

673 A: ...but we – we had to basically immobile- or t- to the best of ability keep him
674 in one place while we decided how to get him transported and that – and there
675 was some discussion about, uh, the wrap versus BFD and then we realized he
676 was just too big to fit a wrap so it had to be BFD.
677

678 Q: H- when you said you kept him immobile like, to your recollection how was
679 Mr. (Moore) kept immobile while waiting for, uh, BFD?
680

681 A: It was – I – I feel like he was partially on his side because when I was looking
682 down at his ankles, um, his ankles were together, uh, you know, um, one on
683 top of the other and like I said, I didn't really, um, look to his head but I was
684 holding onto his ankles or (Mathis) was. I can't remember what. And – and
685 that's it.
686

687 Q1: So you're saying that, um, it would be inconsistent with him being flat on his
688 back or flat on his stomach, uh, to have his ankles appear to be stacked one on
689 the other.
690

691 A: That – yeah.
692

693 Q1: Like – like, re- like – like, I'm doing with my wrists like that? Except he was
694 on his back. He would be more parallel?
695

696 A: Right.
697

698 Q1: And so your recollection is that because of the way you know that you were
699 holding his ankles if – you believe that he was probably on at least partially on
700 his side...
701

702 A: Correct.
703

704 Q1: ...is what you're saying? Okay.
705

706 Q: Was somebody bracing him to keep him on his side? Do you recollect?
707

708 A: That I don't remember.
709

710 Q: Okay. But he was on his side?
711

712 A: Yeah.
713

714 Q: Okay. And to – and to your recollection nobody was s- sitting on top of him,
715 laying on top of him at that point?
716

717 A: No.

718
719 Q: Okay. All right. Um, and so there was a discussion as you said as to the wrap
720 or BFD and when you said, uh, was it – was it d- was it determined based on
721 discussion that you were gonna call BFD?
722
723 A: Yeah. I think it was immediate.
724
725 Q: Okay.
726
727 A: It was – it was he's too big for the wrap. We better call BFD and, uh, I think
728 th- Sergeant, uh, (Phillips) said something like, "Yeah, they'll do the four
729 point restraint," or something like that in a gurney.
730
731 Q: Got it. So, um...
732
733 A: I don't know if she used the word four point but it was some kind of
734 restraint...
735
736 Q: Yeah.
737
738 A: ...term that she used.
739
740 Q: So you – your decision was that you guys gonna get the BFD to bring a
741 gurney up so you guys can strap him into a, um – in a medical gurney and to
742 take him down?
743
744 A: Right.
745
746 Q: Question is is do you know at – did you know at the time while during – while
747 the struggle was happening why the officers, uh, wanted him restrained in
748 handcuffs? What was the intent?
749
750 A: No. I did not know.
751
752 Q: Okay. And after the – everything calmed down and they were told that we're
753 gonna get the gurney for, uh, Mr. (Moore) to take him out of the room do you
754 know why he was gonna be taken out of the room?
755
756 A: No.
757
758 Q: Okay. Um, so, uh, you're – you're waiting for the gurney, correct?
759
760 A: Yeah.
761
762 Q: All right. And who made the request for the gurney? Do you recall?

763
764 A: I believe it was, uh, Sergeant (Phillips).
765
766 Q: And while waiting for the gurney unfortunately, um – um, Mr., uh, (Moore)
767 had a difficulty breathing. Could you describe how that came about to the best
768 of your...
769
770 A: Just at some point it seemed like he was not breathing. I mean, it just, you
771 know, we were waiting for the gurney and I don't remember the passage of
772 time, uh, but it was not that long, um, and then, eh, he – you know, we – we
773 weren't holding him down at that point. Uh...
774
775 Q: You were not?
776
777 A: No. Um, or if – if we were it was like, light touch just the way you might, uh,
778 hold on to someone without pressure but knowing if they start resisting you'll
779 – you'll know it. Um...
780
781 Q1: And he was still breathing at that point when you guys were doing that he was
782 still...
783
784 A: Right.
785
786 Q1: ...was, uh – uh...
787
788 A: Right.
789
790 Q1: ...was he still screaming?
791
792 A: No.
793
794 Q1: Okay. But he – but you knew that he was breathing?
795
796 A: Right.
797
798 Q1: Okay.
799
800 A: So with that kind of, uh, I guess a light touch, uh, it – I don't remember who it
801 was said, "Hey, is he breathing?" And I – and I looked and he wasn't. So, um,
802 we turned w- well I guess it – we immediately decided well, we need to do
803 chest compressions right away. And, uh, Sergeant (Phillips) asked for, uh,
804 BFD to respond to a medical emergency. I think she used that term, something
805 like it.
806
807 Q1: Okay.

808
809 A: And I immediately went over and attempted or did unhandcuff him and, um,
810 you know, pu- a- it was kind of all one motion where he was gonna be rolled
811 all the way onto his back therefore I wouldn't be able to unhandcuff him. So
812 at that point I was unhandcuffing him as - as I don't remember who it was
813 rolled him to his back and then immediately started chest compressions.
814
815 Q: So you a- unhandcuffed Mr. (Moore)?
816
817 A: Yes.
818
819 Q: Okay.
820
821 Q1: Successfully?
822
823 Q: And...
824
825 A: Yes.
826
827 Q: Okay. And he was rolled back onto his back and where they were doing - and
828 then the officers started doing CPR?
829
830 A: Yes.
831
832 Q: Uh, do you remember who t- which officer is doing the chest compression?
833
834 A: It was Officer (Tu).
835
836 Q: Okay. Do you remember who was doing the airway portion of the - the air?
837
838 A: Um, you mean making sure that the airway was clear?
839
840 Q: Yeah. Or if (unintelligible).
841
842 A: I...
843
844 Q: ...normally you have somebody at the mouth...
845
846 A: Right.
847
848 Q: ...and somebody at the chest.
849
850 A: I don't remember who did that.
851

852 Q: Okay. All right. So if you can remember from the time that the f- for the la- s-
853 uh, lack of a better expression from the time that the, uh, fight was s- s-
854 stopped to the time that he stopped breathing...
855
856 A: Mm-hm.
857
858 Q: ...what – what would you – do you remember what time span that would be?
859
860 A: Um, there a couple minutes.
861
862 Q: Couple minutes?
863
864 A: Yeah.
865
866 Q: Okay. So what – what are you doing while, uh, the officers were doing, uh,
867 CPR on Mr. (Moore)?
868
869 A: Um, well I was – I went out the door ‘cause BFD – I – well there was
870 conflicting, uh, information as to whether or not BFD was on scene or coming
871 from a fire or something like that ‘cause there was another incident that was in
872 progress. And so I was, um – I went out the door to see if they had arrived
873 ‘cause I was gonna lead ‘em back into the, uh, room.
874
875 Q: Hmm.
876
877 A: So I was, you know – and I think, um – uh, you know, there was some talk
878 about, you know, let’s get these guys here, you know, s- can we speed it up or
879 something like that.
880
881 Q: Okay.
882
883 A: So...
884
885 Q: And so you were out on the landing area (unintelligible).
886
887 A: Yeah. I think I went back and forth once or twice.
888
889 Q: Okay.
890
891 A: Just to...
892
893 Q: And then...
894
895 A: ...sh- keep going out to see are they here yet. You know, that kind of thing.
896

897 Q: And w- every time you went back in it was just simply the officers...
898
899 A: Just...
900
901 Q: ...continuing CPR?
902
903 A: Yeah. And...
904
905 Q: (Unintelligible).
906
907 A: ...a- at one point I asked Officer (Tu) if he needed, uh – needed, um, you
908 know, give him a break or...
909
910 Q: Yeah.
911
912 A: ...to take over if he was getting tired and, uh, but he seemed to be doing a
913 pretty good job. And he said no, he was fine.
914
915 Q: Okay.
916
917 A: And, um...
918
919 Q: Okay. And eventually paramedics arrived?
920
921 A: Yeah. And so I think it might have been my second time out the elevator – I
922 head the – the t- you know, elevator coming up or something and so I saw it
923 open. I said y- in here guys. And let 'em into the room.
924
925 Q: And, um, BFD came and, uh, kept working on Mr. (Moore) and they
926 transported him in the ambulance to your knowledge to (unintelligible)
927 hospital? So when – after they trans- after they took Mr. (Moore) out of the
928 room how – did you stay or did you – did you leave or what – what happened
929 thereafter?
930
931 A: Well, I left and went downstairs.
932
933 Q: When – when BFD arrived?
934
935 A: Yeah.
936
937 Q: When the fire...
938
939 A: Yeah.
940
941 Q: ...and paramedics arrived?

942
943 A: Yeah. Yeah, um, they told us if we weren't needed, to leave.
944
945 Q: I see. 'Cause the – okay. And so you went – you left?
946
947 A: Yes.
948
949 Q: Did you leave the apartment scene? Did you drive off?
950
951 A: Yeah. No. I, um, stayed at the apartment just to br- until I was relieved.
952
953 Q: Okay.
954
955 A: And then at some point, um, I was told to go back to the station.
956
957 Q: Okay. Who told you to go back to the station?
958
959 A: Uh, Sergeant Ross.
960
961 Q: Okay. Um, do you recall which supervising unit or which sergeants were on
962 scene, uh – uh, at that incident outside the apartment, inside the apartment –
963 which – which supervisors arrived and were there?
964
965 A: Well I know, uh, (Ben Cardoza) and (Amber) were in the room...
966
967 Q: Mm-hm.
968
969 A: ...in the apartment. (Shawn) was, uh – (Shawn) Ross was downstairs and, uh,
970 that's as much as I recall for sure.
971
972 Q: Okay.
973
974 A: Um, maybe (Van) Huynh was there but I – I can't be sure – at some point.
975
976 Q: Okay. Va- (Van) Huynh is, uh, H-U-Y-N-H? You're not sure if he was there?
977
978 A: Yeah, I don't...
979
980 Q: Okay. Do you remember any other ranking officer there on – on scene?
981
982 A: No.
983
984 Q: Okay. Um, let's see. Um, do you have anything?
985

986 Q1: Did you interact with any subjects that weren't police officers or Mr. (Moore)
987 during the time when you came there in the apartment (unintelligible)?
988
989 A: I, um – when I first exited the elevator I didn't know exactly where the room
990 was...
991
992 Q1: Mm-hm.
993
994 A: ...and there was a person and I don't know who it was but they were like,
995 looking and it looked like they knew what was going on so I said, "Where is
996 it?"
997
998 Q1: Mm-hm.
999
1000 A: "Where's the room," maybe or something like that. And he just pointed.
1001
1002 Q1: Okay.
1003
1004 A: So (unintelligible).
1005
1006 Q1: Did you know that person from prior contact or anything?
1007
1008 A: No. No.
1009
1010 Q1: Okay. And did you see that person later or...
1011
1012 A: N- not to my knowledge.
1013
1014 Q1: Okay.
1015
1016 Q: Okay (unintelligible). Okay. Uh, actually I got some questions. Last ones from
1017 me. Of all the officers on scene that you re- can call – you can recall...
1018
1019 A: Mm-hm. Mm-hm.
1020
1021 Q: ...okay, at any time did any officer or you strike Mr. (Moore) with a open
1022 hand or closed fist?
1023
1024 A: No.
1025
1026 Q: Did you witness any officer or you use – use the, uh, baton?
1027
1028 A: No one used a baton that I saw.
1029
1030 Q: Had you or any other officer, uh, used, uh, OC spray?

1031
 1032 A: No.
 1033
 1034 Q: Did you or any other officer to your, uh, recollection use any type of weap-
 1035 any type of instrument that can be used as a blunt object?
 1036
 1037 A: No.
 1038
 1039 Q: A- and did you or any other officer use your firearm?
 1040
 1041 A: No.
 1042
 1043 Q: Did – was a firearm used in any way as a blunt object?
 1044
 1045 A: No.
 1046
 1047 Q: Okay. Um, let's see. Do you recall of the best of you recollection any other
 1048 officers who were on scene other than those that you've mentioned so far?
 1049
 1050 A: A- up in the a- apartment?
 1051
 1052 Q: S- up in the apartment.
 1053
 1054 A: Yeah. No.
 1055
 1056 Q: (Unintelligible) no.
 1057
 1058 A: That's it.
 1059
 1060 Q: Okay. Uh, what about outside while you were leaving and, uh, you were
 1061 outside waiting to be relieved?
 1062
 1063 A: Um – uh, (Andrew Franco) was there. Um, (Tim Kaplan) and, um...
 1064
 1065 Q: Okay.
 1066
 1067 A: ...that's it. That was as far as I remember.
 1068
 1069 Q: (Harry), anything?
 1070
 1071 Q2: No, thank you.
 1072
 1073 Q: Um, is there anything you want to, uh, add that we may benefit from
 1074 knowing?
 1075

1076 A: Um, I would just say that – that we did our best and that I saw every officer
1077 behave very professionally.
1078

1079 Q: Okay. Good. (Unintelligible). All right. It is, uh, 1847 hours. This concludes
1080 the interview, uh, Officer Gardner, G-A-R-D-N-E-R.
1081

1082
1083 This transcript has been reviewed with the audio recording submitted and it is an accurate
1084 transcription.
1085

Signed _____

INTERVIEW WITH SGT. (AMBER) PHILLIPS

Q=Sgt. Hong

Q1=Ofc. Jesse Grant

A=Sgt. (Amber) Phillips

A1=(Harry) Stern

Q: All right February 14th, 2020 hours. Interview with Sergeant (Amber) Phillips. Uh, I am Sergeant Hong, H-O-N-G.

Q1: Officer Jesse Grant, J-E-S-S-E, G-R-A-N-T.

A: Sergeant (Amber) Phillips, last name P-H-I-L-L-I-P-S.

A1: I'm (Harry) Stern, S-T-E-R-N.

Q: Uh, Sergeant Phillips, uh, you are - you're, uh, you're rank of sergeant. Your badge number please?

A: S-17.

Q: Okay and what was your hire date with Berkeley Police?

A: July I think s- 6 or something 2004. July of 2004.

Q: Okay do you have any prior law enforcement experience?

A: No.

Q: Which patrol operations team do you work?

A: Team four.

Q: What are your normal days worked and normal hours worked?

A: Monday through Thursday 2030 to 0630 hours.

44 Q: O- uh, and when we speak of the date of incident we're speaking of February
45 12th wi- w- which was a Tuesday and the time of report was somewhere
46 between 11:30 and midnight?
47

48 A: Yeah.
49

50 Q: All right 11:30 pm and midnight. So, uh, what was your call sign during, uh,
51 your shift on Tuesday the 12th?
52

53 A: Call sign was S as - as in Sam 17. So S-17.
54

55 Q: Okay and your area of responsibility as S-17?
56

57 A: Uh, just patrol p- um, super- patrol supervisor, uh, in charge of team four.
58

59 Q: Got it. And you're city wide?
60

61 A: City wide.
62

63 Q: Okay. Uh, who was your commanding officer a- during this shift?
64

65 A: Lieutenant Files.
66

67 Q: Okay. Is he - is Lieutenant Files, F-I-L-E-S, is he your normal commanding
68 officer?
69

70 A: Yes.
71

72 Q: And he is - is lieutenant basically the Watch Commander correct?
73

74 A: Correct.
75

76 Q: Okay. Prior to the Tuesday shift, um, what sh- what - what was the last shift
77 you worked prior to Tuesday shift?
78

79 A: Uh, the Monday shift starting at 2030 hours.
80

81 Q: Okay. Do you hold any secondary jobs?
82

83 A: No.
84

85 Q: Prior to Tuesday's shift did you, uh, work any overtime?
86

87 A: No.
88

89 Q:

90

91

92 A:

93

94 Q:

95

96 A1:

97

98 Q:

99

100 A1:

101

102

103

104 A:

105

106 A1:

107

108 Q: Got it, accepted okay. Uh, ha- have you consumed any alcohol in the past 24
109 hours?

110

111 A:

112

113 Q: Do you have any medical conditions?

114

115 A:

116

117 Q: Uh, prior to Tuesday's shift, uh, or just before Tuesday's shift, uh, when was
118 the last time you slept and how long and between what hours?

119

120 A:

121 It would've been Tuesday morning from about - I'd say maybe 8:00 or 8:30
122 am - it's probably about 8:30 am to 2:00 or e- 1400. It's pretty sporadic. I'd
123 say it's pro- maybe five hours I get during the day.

124

124 Q: Okay - okay. Now when I speak of the incident we're talkin' about the
125 incident, uh, that occurred on Tuesday the 12th, uh, that occurred at, uh, 2116
126 Allston Way in Apartment 514 okay. Uh, did you sustain any injuries during
127 this incident?

128

129 A:

130

131 Q: Excuse me. Do you wear corrective eye glasses or contact lenses?

132

133 A:

134

134
135 Q: All right. Starting from your, uh, front belt buckle going clockwise could you
136 describe what duty gear is on your duty belt?
137
138 A: Mmm clockwise oh, from my belt buckle I think it's - I've got my keys, uh,
139 department keys. Then I have my firearm. Um, a keeper with a set of
140 handcuffs attached. Then it's my, uh, OC pepper spray. Then I have, uh,
141 handcuffs - case with a pair of handcuffs in the back. Mmm, sorry
142 (unintelligible) over here. Maga- oh flashlight, magazine pouch and then just
143 a, uh, key ring holder whatever that is. Couple keepers in between and that's
144 it.
145
146 Q: Okay. Did your duty belt or duty gear sustain any damage?
147
148 A: No.
149
150 Q: Okay. Uh, what vehicle make and model were you driving dur- driving
151 during Tuesday's shift?
152
153 A: I was driving, uh, a marked, uh, patrol vehicle number 1745 and it's a BPD
154 marked patrol vehicle. Marked also with a supervisor so it's a supervisor car.
155 It's a Ford Crown Vic.
156
157 Q: Got it. And it has emergency equipment?
158
159 A: Mm-hm.
160
161 Q: All right.
162
163 A: Emergency lights.
164
165 Q: Do you normally drive this particular vehicle?
166
167 A: Uh, yeah fairly regularly.
168
169 Q: Okay. And are you a single, uh, uh, car or are you a paired officer car?
170
171 A: Single.
172
173 Q: Okay. Okay so you've, uh, prepared a supplemental report do- documenting
174 the, uh, incident correct?
175
176 A: Correct.
177
178 Q: And prior to your submission could you just, uh, read it for us please?

179
180 A: Yeah. On February 13th, 2013 at about 0030 hours I responded to 2216
181 Allston Way, Apartment 514 because officers were requesting code three
182 cover. I arrived on scene with Sergeant cardo- (Cardoza) about 0033 hours
183 and we had both entered the apart e- apartment four - 514 together. When I
184 entered the apartment I saw Officer (To), Officer (Brown) (unintelligible)
185 Officer (To) badge 38, Officer (Brown) number 16, Officer (Gardner) 121 and
186 Officer (Mathis) number 80 attempting to restrain an individual on a mattress
187 on the floor of the living room area. The person they were restraining who
188 was later identified as (Moore) was lying on his stomach with his hands
189 cuffed behind his back. (Moore) was violently kicking at officers.
190 Particularly Offic- Officer (Mathis) who was attempting to ga- gain control of
191 his feet. Sergeant (Cardoza) deployed the WRAP Restraint Device and I
192 provided the ankle strap to Officer (Mathis) who secured (Moore)'s ankles.
193 Officers did not attempt to place the leg and chest pieces of the WRAP
194 Restraint Device on (Moore) due to his large size, approximately 350 plus
195 pounds. At about 0034 hours I contacted BPD dispatch via radio and
196 requested that BFD respond to our location with a gurney. I requested the
197 gurney because it was apparent that officers would be unable to move or lift
198 (Moore) do hi- due to his large size especially since his apartment was on the
199 fifth floor. Once (Moore) calmed down officers rolled him on his left side and
200 Officer (Brown) confirmed he was breathing and had a pulse. Although -
201 although (Moore) was breathing it appeared he was having difficulty. I
202 advised BPD dispatch that we would also need BFD paramedics because
203 (Brown) was having difficulty breathing. At around 0041 hours Officer
204 (Brown) noticed that (Moore) was no longer breathing and did not have a
205 pulse. At this time I advised BPD dispatch that (Moore) was not breathing
206 and that officers would be starting CPR. Officers immediately removed the
207 handcuffs from (Moore) and placed him on his back. Officer (To) gave
208 (Moore) chest compressions until BFD arrived on scene and took over. Once
209 (Moore) was transported to Alta Bates Hospital by BFD I assisted Sergeant
210 (Cardoza) in managing the scene and did the following. Uh, Sergeant car-
211 (Cardoza) and I directed Officer (To) to follow BFD -- excuse me -- to Alta
212 Bates Hospital to get an update on (Moore)'s condition. I then directed, uh,
213 Officer (Macintosh) to conduct a canvas of the fifth floor or 2116 Allston
214 Way to determine if any neighbors had contact with (Moore) prior to our
215 arrival. I directed Officer (Castenmiller) to take a written statement from
216 (). I contacted Officer (Smith) via phone while he was in the BPD jail
217 and directed him to take a written statement from (Haze) and at about 0204
218 hours Sergeant (Cardoza) took over the scene as being supervisor and I was
219 released from the scene.

220
221 Q: Okay thank you. Okay so, uh, Sergeant Phillips you heard a radio broadcast,
222 uh, as you indicate in your police report requesting code three cover. Could

223 you tell us, uh, or can you recollect who made that, uh, radio broadcast request
224 and could you specify if you can, uh, remember what words were used?
225
226 A: Uh, i- it was Officer (Brown) and she said something to the effect of send us
227 more cover and I could hear screaming in the background. I didn't hear the
228 words code three but the radio traffic seemed a little bit choppy but I could
229 hear send us more cover, uh, and then screaming which i- what seemed
230 apparent to me that they were in need of us- of si- assistance.
231
232 Q: Okay and you felt that, uh, they were in need of immediate assistance so you,
233 uh, went, uh, responded in a code three fashion correct?
234
235 A: Yes correct.
236
237 Q: So we- where were you coming from?
238
239 A: I came from the station. I was inside my patrol vehicle parked in the south lot.
240
241 Q: Okay. And when you arrived, uh, who did you arrive with again?
242
243 A: When I arrived, uh, there were several police cars there but officer - or
244 Sergeant (Cardoza) was the one that - we were on scene at the same time and
245 we went in the elevator at the same time up to the fifth floor.
246
247 Q: Uh, was the front door already, uh, the main door on the ground floor was it
248 already open or unlocked...
249
250 A: Yeah.
251
252 Q: ...in order for you to gain entry?
253
254 A: Mm-hm the main door - someone had stuck - I don't know if it was a bench or
255 some - some sort of object in the doorway so it was open for us to get in.
256
257 Q: Okay. And you took - it was just the two of you? You and Sergeant
258 (Cardoza) went upstairs?
259
260 A: Yeah, uh, we took the elevator.
261
262 Q: I'm sorry, you took the elevator up...
263
264 A: Yeah.
265
266 Q: ...to the fifth floor to Apartment 514?
267

268 A: Mm-hm.

269
270 Q: Okay. When you arrived at Apartment 514 before, uh, looking inside, uh,
271 what was the general description of your surroundings?
272

273 A: So when you go - when you go in, uh, when I ca- when we came in off the
274 elevator I immediately saw a black male standing on the corner like a couple
275 doors down from - from the apartment. I figured he was either somebody that
276 knew or he was a neighbor that was just waiting. I just - I just happened to
277 notice 'cause he seemed to be the only one really standing by just not moving.
278 Uh, and it - it - it's a - it's like a - shaped like square on the inside but it's got a
279 I - the lob- I don't know what the lobby or whatever you call it in the middle.
280 So it's five fl- five levels, um, almost like tiers of apartment - apartments that
281 are all on in a circular or kind of surrounding. Um, I didn't see - I didn't notice
282 really anybody else. I didn't see any other officers and so I knew - I could see
283 that the door was open once I came out of the elevator that the front door was,
284 uh, w- that was the only door that looked open to me. So I assumed that was
285 the apartment.
286

287 Q: Okay. So there was no other officers on the landing (unintelligible)...

288
289 A: Not that I recall no.
290

291 Q: Okay. So you - you see an open door to the apartment and when you first
292 look in what is your first observation you see?
293

294 A: Right when you first walk in, I look in and I can see immediately, uh, I see -
295 now I recall it's, uh, I believe five officers and there's a, uh, I didn't know at
296 the time male or female but a, uh, a - a black person, um, that was laying on
297 their stomach in handcuffs - two sets of handcuffs that I recar- uh, recall and,
298 uh, there were officers holding like his extremities. Like arms, legs, um, and
299 the person was kicking and I remember that (Mathis) - Officer (Mathis) was
300 the one by the feet and the person was kicking the feet and he, you know, um,
301 and I remember someone saying get a spit mask, uh, with a ra- we were a-
302 they were askin' about the WRAP and we were like we have the WRAP. Uh,
303 Sergeant (Cardoza) had - said he had grabbed the WRAP out of my car so
304 when we - we arrived we had it with us and we started to take the WRAP out
305 of the, uh, the bag.
306

307 Q: Okay. And (unintelligible), uh, real briefly so when you - upon entering you
308 saw a - a person lying on his stomach?
309

310 A: Yeah.
311

312 Q: Was he on the ground or any - or was - where - where was he lying o...

313
314 A: They were, uh, there was like - it looked like two probably futon mattresses.
315 Um, I don't know what else you'd call 'em but they weren't standard mattresses
316 but they were on the floor of the living room area. It's a very - a small
317 apartment where it was like a living room kitchen area, um, and the person
318 was on the mattress and all of the officers were as well.
319
320 Q: Okay. And you said he was already handcuffed when you arrived?
321
322 A: Yeah.
323
324 Q: Okay. And you describe, uh, officers, uh, holding down this person by
325 holding down their, uh, ex- uh, arms and legs?
326
327 A: Yeah.
328
329 Q: Did you see any of these officers holding this person down by holding down
330 their head, neck, chest area or stomach area?
331
332 A: No I specifically remember - what I did remember was that Officer (Brown)
333 was closest to the head and that i- I couldn't see anybody applying any for-
334 you know, pressure or anything to the head but I remember that she was
335 closest to the head and the other - the larger male officers were holding down
336 - tryin' to hold down the body. Um, arms and legs and the...
337
338 Q: Okay.
339
340 A: ...legs were the - and him kicking was the problem.
341
342 Q: Okay. Um, the officers that were holding down the arms and the upper
343 portion of the body, do you recall which officers they were?
344
345 A: I know, um, Officer (To) I believe was on the other side a- s- I - I - I do
346 believe he was on the upper body area. I think Officer (Smith) as well and I
347 believe Officer (Gardner) and Officer (Mathis) were the two tryin' to - or near
348 the legs at the bottom half of the body.
349
350 Q: Okay. Now you're saying that this person, uh, was kicking?
351
352 A: Yeah.
353
354 Q: All right. And you're talking kicking, slashing, uh, uh, at the officers is that...
355
356 A: Yeah.
357

358 Q: ...correct? Okay. And you said Officer (Mathis) - what was Officer (Mathis)
359 doin' again?
360

361 A: He was trying to hold down the legs and I remember the, uh, the subject was
362 kicking and he yelled, "Give me the ankle" - we were takin' the WRAP out
363 and he says, "Give me the a- we need to - we need to secure the ankles." And
364 so I handed him the ankle thing and he wrapped the - his ankles and that
365 obviously stopped the kicking.
366

367 Q: Oh good. Okay so the a- uh, the thing you're referring to is a strap that is part
368 of the WRAP Device correct?
369

370 A: Right correct.
371

372 Q: And - and he - and Officer (Mathis) used that to restrain the - what part of the
373 legs of the - the subject?
374

375 A: Just the - both ankles, um, had the - I believe the ankles were crossed and he
376 used the - the device to - used the Velcro and - and - and - and restrain him.
377

378 Q: Before we go further can you best of your recollection describe this person?
379 Meaning height, weight, stature etcetera.
380

381 A: From what I could tell and I - again I couldn't tell if it was a male or female
382 because I could te- I could see that there appeared to be long braids. Um, and
383 I remember asking Officer (Brown) is it a male or a female? The body type,
384 um, it - it was - I could tell it was a b- a person that was African American,
385 black. Um, and the person looked - they probably weighed I would say
386 somewhere between 350 - 380 pounds. Um, and from the body type and from
387 the back - and the person was nude. Um, I - there might've been a piece of
388 clothing close to the ankle area, um, but for the most part the whole back area
389 and the - and the - and the butt area was exposed and I could see that there -
390 the - that he was nude. Um, and I asked Officer (Brown) i- is - is it male or
391 female. I know that wasn't - for me it was in my mind. It's just - I don't know
392 who we're dealing with and - or what we're dealing with and if it is female
393 there's other, you know, factors that could be at play. So I asked and then she
394 told me it's a male but it was a, uh, pre-op transgender or transsexual or
395 somethin' like that and I said okay. And that's when I - I recognized who - I
396 knew who it was. I knew exactly who it was.
397

398 Q: Okay. Now, uh, while you're observing the officers tryin' to keep, uh, Mr.
399 (Moore) - we're gonna refer to...
400

401 A: Yeah.
402

403 Q: ...this person as Mr. (Moore). His name is (Xavier Moore).

404
405 A: Right.

406
407 Q: While the officers are tryin' to keep him controlled, uh, did you at - did you
408 feel that the officers had control or they were having a difficult time with Mr.
409 (Moore)?

410
411 A: In the beginning they were having difficulty, uh, a lot of difficulty. And then
412 once, uh, Officer (Mathis) put the ankle restraints on, um, he slowly started to
413 calm down. They were asking for a spit mask and I was tryin' to put it out on
414 the radio to make sure that we got that. Um, I didn't notice if he was spitting
415 or not. I just know they were saying get us a spit mask s- and I was - got on
416 the radio and said next person up needs to bring us a spit mask. Um, so I
417 figured he - I - they were still actively struggling and then, um, it seemed like
418 maybe a minute or so - two and, uh, Mr. (Moore) just, uh, stopped - slowly
419 stopped resisting. You know, it - it just seemed like he just started to calm
420 down and just lay there.

421
422 Q: Okay. So between the time that, uh, the ankle, uh, restraints were placed on
423 him and there's a minute timeframe where he slowly started to calm down -
424 just prior to that, between the time you entered to the prior time - to just prior
425 to him calming down, was he saying anything? Was he screaming anything
426 do you recall?

427
428 A: I don't recall there being screaming or - or - or, uh, yelling at that point. Um, I
429 remember officers saying like stop move - stop resisting, stop moving kinda
430 thing. Uh, he was movin' around and they were just - they co- they were
431 having a hard time controlling him and everyone tried to figure out where to
432 go with the large indi- naked individual. You know, it was - it was - they
433 were definitely struggling. I can't reme- I don't recall screaming - him
434 screaming or saying anything, um, at that point.

435
436 Q: Okay.

437
438 A: At the time I was...

439
440 Q: Was it apparent at that point that he was breathing?

441
442 A: ...yes.

443
444 Q: Okay. Uh, during that period of time was he complaining of pain of any sort
445 or asking for a ambulance or saying he couldn't breath or verbalizing in any
446 way that he was having physical problems?

447

448 A: No not - not at any time when I was there did he ever - like I said say
449 anything, ask for help, say he couldn't breath, say that anybody was on his
450 back or anything like that. He nev- that never came out.
451
452 Q: Okay.
453
454 A: And, you know, we have that happen all the time and nothing - he never said
455 any of that.
456
457 Q: Uh, and then he, uh, slowly started calming down now you said and once he
458 did - he eventually did calm down?
459
460 A: Mm-hm.
461
462 Q: Okay. And once, uh, he's now ca- um, calmed down, uh, w- what happened
463 now as - as he's now calm?
464
465 A: Once he calms down i- it's - I - at some point I think Officer (Castenmiller)
466 came in - other officers - it was like - it was - it was obvious that no - we no
467 longer needed five officers I think. I don't know how the decision was made
468 but I know Officer (To) I re- I - I saw that he was sweating and appeared to
469 be, you know, kind of out of breath and I - he asked - he said, "Do you guys
470 have it? Is it okay if, you know, can I just take a break for a second?" And I
471 said go outside.
472
473 Q: Mm-hm.
474
475 A: Um, take a breath. I couldn't tell - I, you know, was worried about him being
476 injured or, you know, just - he seemed exhausted. So I sent him outside. Um,
477 and I - 'cause I knew at that point I believe Officer (Castenmiller) was there
478 but he wasn't the, uh, Mr. Miller w- Moore, excuse me, was no longer
479 fighting. So it was just kind of - officers were sitting there with the hands on
480 him just in case. Um, but there really wasn't any, uh, anything, you know,
481 there wasn't any resisting going on. And then at some point o- Officer
482 (Gardner) and (Mathis) I believe leave, um, and I think Officer - Officer (To) I
483 know for sure comes back and I remember that's when, um, (Gwen) or Officer
484 (Brown) says, you know, looks over and like is he breathing? And I look and
485 I said is he breathing s- I mean is his chest moving? Um, he was laying on his
486 left side at this point and the officers again were just waiting - we were waitin'
487 for BFD the whole time. Uh..
488
489 Q: Uh, when he was calmed down he was just laying there and you guys were
490 just...
491
492 A: On his left s...

493
494 Q: ...holding or just placing your hands and holding him...
495
496 A: ...mm-hm.
497
498 Q: ...still? At - was there any officer sitting or laying on top of or pushing down
499 on the parts of Mr. (Moore)'s head and neck, chest, stomach or any of those
500 areas of the body?
501
502 A: No.
503
504 Q: Okay.
505
506 A: And in fact I could see his fa- profile now. You know, he was laying
507 completing on his left side. Officer (Brown) was near his head and I could
508 see, you know, see his face and I knew I recognized him. Um, and that was,
509 you know, we were just waiting. It was just waiting and no one was applying
510 any pressure.
511
512 Q: Okay. So wa- when you looked to see if he was breathing he was at that point
513 still breathing correct? When...
514
515 A: Yeah so - yeah so Officer (Brown) like I said, you know, looks and says a- is
516 he breathing? And I look over and, uh, she says (Xavier), you know, uh, then
517 she kinda shakes him and at that point I see his chest move and I - he t- he -
518 moves his head and he looks u- like he opened his eyes 'cause I think his eyes
519 were closed before that. Uh, and so then I go- I said he's breathing and, uh, I'd
520 say maybe less than a minute is when he stopped breathing but I - the radio
521 traffic went out, uh, BF- or dispatch says - asks me, "Do you just need a
522 gurney or you need medical?" And I said, uh, we're gonna need medical.
523 He's - he's having difficulty breathing.
524
525 Q: Okay. Initially you asked just for a gurney?
526
527 A: I did.
528
529 Q: Okay all right.
530
531 A: I said code three but my - my reasoning behind that was, um, one, I - there
532 was no way we were gonna be able to move him; uh, two, I wanted
533 paramedics there in case something went wrong because we were dealing with
534 a - a v- we weren't - w- the officers weren't gonna be able to pick him. We're
535 on the fifth floor - an apartment and I figured if there was any medical
536 attention needed, the fire department would be there. Um, and that, you
537 know, the gurney was gonna be the only safe way to get a- to get him out of

538 there. Um, so I also made the assumption that no matter what BFD was come
539 - was - was gonna come with medical. So I didn't think that that question,
540 you know what - I didn't know that they were gonna ask me that question. I
541 assumed they were gonna come code three like I requested, um, and that
542 would include, uh, an ambulance and an engine, um...

543
544 Q: Okay. So wa- but when you, uh, who first noticed him - that Mr. (Moore)
545 stopped breathing do you recall?

546
547 A: I think it was Officer (Brown).

548
549 Q: Okay.

550
551 A: Or w- when he stopped breathing?

552
553 Q: When he stopped breathing.

554
555 A: Yeah it was - it was - it had happened really quickly from the time he was
556 breathing to not breathing. I - she might've said it and I know that at some
557 point I said I don't think he's breathing. So somewhere in between 30 seconds
558 to a minute, uh, both of us noticed that...

559
560 Q: O...

561
562 A: ...and...

563
564 Q: ...okay.

565
566 A: ...she started, you know, yelling his name and, uh, you know, we tried to roll
567 him o- I was like take off the handcuffs and they rolled him on his back.

568
569 Q: Okay so - and then when you - when you noticed that he wasn't breathing was
570 it you that made that ra- radio broadcast for emergency medical because - and
571 you verbalize on the radio that no longer was this person breathing?

572
573 A: I said, uh, subject is no longer - is - subject is not breathing. I don't know if I -
574 I don't think I said he didn't have a pulse. I think I said s- subject is not
575 breathing. We're starting CPR.

576
577 Q: Got it okay.

578
579 A: Uh...

580
581 Q: And - and you order officers to remove the handcuffs?

582

583 A: Yeah.

584

585 Q: Okay. Uh, then did that occur?

586

587 A: Yeah.

588

589 Q: Okay.

590

591 A: They took 'em off right away.

592

593 Q: All right and once the handcuffs were removed what - what did you do -
594 positioning of Mr. (Moore) at that point?

595

596 A: They, uh, rolled him completely on his back and, uh, Officer (Brown) was by
597 his head. Officer (To) immediately started chest compressions and then, uh,
598 Officer (Castenmiller) was, um, I think on the - toward - by the bottom half
599 kinda by his legs just, you know, standing by because I asked, uh, I had asked
600 (To) - he started swe- you know, it - it was a lot of work for him and then I
601 said do you need to switch out? And I was askin' him if he needed him to - to
602 (Castenmiller) to switch out and he just continued until, uh, BFD arrived. So
603 they never switched but (Castenmiller) was there just providing, you know,
604 support in case he needed to...

605

606 Q: Okay. Um, uh, so eventually paramedics came?

607

608 A: Mm-hm.

609

610 Q: Okay. And, uh, just briefly describe - they came in and they worked on Mr.
611 (Moore) correct?

612

613 A: Yeah so they ca- they c- they came in, um, officers, you know, were told to -
614 to get out - it's a really small space and so they all - they all came out. I think,
615 um, probably Officer (Brown) and I and maybe Officer (To) were still in there
616 and they were askin' questions about name and - and - and medical history and
617 we were tryin' to give 'em as much information as we could. They started, uh,
618 they put that chest compression machine on him right away and they started
619 having that manually do, uh, chest compressions. Um, then we were tryin' to
620 give as much information as possible and, um, letting them know that we b-
621 we knew that he had a drug history. Uh, 'cause they were asking us is he
622 under the influence of drugs or alcohol? I didn't - at the time didn't know if
623 anything - if he was under the influence of alcohol at all but I told them that
624 he has prior history of, uh, drug use of, uh, smoking crack. I went outside and
625 I talked to the guy that was, uh, that was his friend. He said he was his
626 caretaker. And he told me that he, um, uses meth, he uses heroin, smokes
627 weed and drinks alcohol and that he usually drinks on a regular basis. And so

628 I went back - ran back and told BFD - BFD that. And then I helped them, you
629 know, they took everything basically almost - all the mattresses and
630 everything out of the living room, put that in the bathroom area 'cause they
631 didn't have enough space to work.

632
633 Q: Okay. Where d- where were those mattresses in relation...

634
635 A: Th...

636
637 Q: ...to the apartment how it's set up?

638
639 A: ...so when you walk directly in, there's a bathroom on the left. And to the left
640 there's a little hall closet to the left as well, next to the bathroom. And you
641 walk - when you walk straight, um, right down that hallway the - the
642 mattresses were right on the floor and it would be a c- a - it was across from
643 the kitchen area, um, and they were in the corner. And then there was like a
644 little bedroom behind I guess that living area. Um, I didn't notice if there's - it
645 was open but I don't know if there's a door or not. But it was just - they were
646 laying on the - the mattresses were laying on the corner, uh, on the floor in the
647 corner.

648
649 Q: Okay. And, um, uh, eventually the paramedics leave with Mr. (Moore)...

650
651 A: Mm-hm.

652
653 Q: ...as they're working wi- on him? Okay. Once the paramedics are leaving was
654 there an officer assigned to, uh, e- to accompany the paramedics?

655
656 A: N- uh, not right away and then, uh, Sergeant (Cardoza) was - spoke to Officer
657 (Brown) and Officer (To) and was like, you know, tryin' to determine who
658 was handling the case and Officer (Brown) said it was her case. So then he
659 told Officer (To) your - you go - somebody needed to go with the ambulance.
660 So Officer (To) was sent with the ambulance and Officer (Brown) I believe
661 was sent 1019. Came back to the station to write a report.

662
663 Q: Okay. So I'll ask this at this point, who - who has been - who was designated
664 - upon your e- your arrival and officer - or Sergeant (Cardoza)'s arrival
665 together, uh, who assumed scene supervising, uh, uh, role?

666
667 A: That wasn't assumed until after BFD had taken - tra- transported, uh, Mr.
668 (Moore).

669
670 Q: Mm-hm.

671

672 A: And Sergeant (Cardoza) seemed the role as - assumed supervisor when, uh,
673 Officer (Brown) was assigned as the handling officer.

674
675 Q: Okay. So Officer (To) is now accompanying the fire paramedics to the
676 hospital?

677
678 A: Yeah.

679
680 Q: Okay all right. So once, uh, the paramedics have taken Mr. (Moore), uh, what
681 was your role, uh, while you were there with, uh, with Sergeant (Cardoza)?

682
683 A: I, uh, just assisted. I - I - I knew that it was gonna be important for us to start
684 getting statements from people and there were a lo- there were a lot of
685 neighbors that had come out during the whole incident. So, um, Officer ma-
686 (Mathis) was talkin' to a couple of them. I immediately assigned Officer
687 (Castenmiller) to, uh, get a written statement from the, uh, caretaker. I can't
688 remember what his name is. Uh, [REDACTED] - last...

689
690 Q: Correct.

691
692 A: ...name [REDACTED].

693
694 Q: Correct.

695
696 A: Um, I said I need you to get a written statement from him and we need to get,
697 you know, just go over his medical history 'cause he was saying he was the
698 caretaker and - and get some information. So he - he took a written statement
699 from him on scene. Then I - I requested another officer to the scene to - to
700 help with the canvas and that was Officer (Macintosh) and I directed him to
701 knock on every door on the fifth floor that Officer (Mathis) hadn't already
702 done and just check and see if anybody had any prior contacts, um, with Mr.
703 (Moore) before we arrived on scene or if they knew anything about him
704 basically. Um, and then when I went outside with Sergeant (Cardoza) and
705 Sergeant (Ross) I told ser- car- Sergeant (Cardoza) that, um, I wanted
706 somebody to swap out with Officer (To). I didn't think that he should be at
707 the hospital. And so I to- I volunteered to go to the hospital just to get Officer
708 (To) back but he s- Sergeant (Cardoza) said he'd go to the hospital and he'd
709 send Officer (To) back to the station to meet with me 'cause I just wanted to
710 talk to him and check in with him.

711
712 Q: Okay. So after that you - you simply, uh, you went back to the station?

713
714 A: Yeah.

715

716 Q: Okay. Do you recall when the notification of, uh, time of death was for Mr.
717 (Moore) at the hospital? Do you recall who made the notification and how'd
718 you find out?
719

720 A: Officer (To) called me while I was still outside of the apartment building, um,
721 and said that the doctor at Alta Bates -- and I don't know the doctor's name --
722 had called the time of death at 0134 hours. And I asked him if he was on his
723 way back. I said are you, you know, to come back and he said he was on his
724 way.
725

726 Q: Okay. Was a technician called at any point (unintelligible)?
727

728 A: Yeah Sergeant (Cardoza) had called a ID tech, uh, I think right after BFD had
729 left sometime and - some - some - at some point he had called the ID tech. I
730 didn't - I didn't do that but yeah the ID tech did show up while we were still
731 there.
732

733 Q: Okay. Do you recall if a tech was sent to the hospital at all?
734

735 A: No I don't - not to my knowledge.
736

737 Q: Okay. Uh, couple questions I - I neglected to ask is when - when you received
738 a code three of, uh, assistance, uh, request on the radio and you were going to
739 2116 Allston, did you know what the call was all about?
740

741 A: I - I didn't immediately. Um, I - I didn't - I - I heard the 415 come out but I
742 didn't put it together right away until I I- I looked at the call as I was going
743 and it just said, uh, 415, um, and 5150. So in my mind as I was going I was
744 assuming they were s- they were struggling with a 5150. Um, didn't have any
745 idea of the person or the w- you know, the weight or sta- any of that - none of
746 that was - came out or was relevant because I got there pretty quick. I'd say
747 less than a minute. Um, but I - I as- I saw that it was a call and I saw the
748 initial comments of the call was that it was a 5150. I think off his medication
749 or something like that.
750

751 Q: Okay. And when you arrived and, uh, the - Mr. (Moore) was ha- in handcuffs,
752 did you know at that point why Mr. (Moore) was in handcuffs?
753

754 A: No I didn't. Um, I had no idea ye- I didn't know if he was under arrest or if it
755 was a 5150 t- I had no idea at that point. I didn't find out until after I think I
756 asked Officer (Brown). Um, I believe once BFD was on the scene I asked her,
757 uh, what was - what was this about? And she said he had a \$10,000 warrant.
758

759 Q: Okay. So to your knowledge it was because he had a warrant?
760

761 A: Yeah that they were tryin' to wrestle in the warrant.

762
763 Q: Okay all right. Okay in your, uh, brief observation of Mr. (Moore) can you
764 describe at all what you were, uh, uh, for instance, uh, do - did you believe
765 just based on your brief observation of Mr. (Moore) do you - did you believe
766 that he was, uh, under the influence of any s- of anything?

767
768 A: I couldn't tell. I di- again I didn't get enough, uh, I wasn't close enough to,
769 you know, to smell alcohol.

770
771 Q: Mm-hm.

772
773 A: And, um, by the time - like said, by the time we were there th- the - the yelling
774 and screaming - so there wasn't like any going - or statements going on so I
775 didn't - I didn't really hear much coming from him. Um, and, uh, the o- by the
776 time I saw, you know, was able to see his - his full face was when the
777 difficulty breathing had started. So I d- there was really no other way to
778 assess him or his...

779
780 Q: Okay. And, um, during your brief, uh, during the time upon when you arrived
781 and the time that you made all your observations, um, did you at all - first of
782 all, did you at all touch Mr. (Moore)?

783
784 A: Uh, I did when BFD was giving him - doing - when they took over, I said to
785 them his ankles are restrained. Do you need me (unintelligible) do you want
786 to take the restraints off?

787
788 Q: Mm-hm.

789
790 A: And they just said yes. And so I ran over and, uh, I asked Officer
791 (Castenmiller) to help me out because I had trouble picking up his legs by
792 myself and taking the restraint off. So I ended up taking the restraint off while
793 a- Officer (Castenmiller) was holding his legs for me.

794
795 Q: Okay that was the extent of any time you placed your hands on Mr. (Moore)?

796
797 A: Y- y- yeah.

798
799 Q: O- okay. Uh, during the time that we- uh, immediately after you arrived
800 during the time to the point where he was - Mr. (Moore) was taken to the
801 hospital, did you at all at any time see any officer, uh, on scene, uh, strike Mr.
802 (Moore) with a open hand or closed fist?

803
804 A: No not...
805

806 Q: Did you...
807
808 A: ...at all.
809
810 Q: ...did you at all see any officer kick Mr. (Moore) in any way?
811
812 A: No.
813
814 Q: Did an- did you see any officer deploy their OC and use it on Mr. (Moore)?
815
816 A: No.
817
818 Q: Did you at any point see any officer use their (unintelligible) baton or any
819 other blunt object, uh, on Mr. (Moore)?
820
821 A: No.
822
823 Q: Okay. Did any, uh, officer discharge a firearm?
824
825 A: No.
826
827 Q: Did any o- officer use a firearm as a blunt object?
828
829 A: No.
830
831 Q: Okay. Um, uh, in terms of arriving officers on scene was yourself and
832 Sergeant (Cardoza), was there any other ranking officer on scene?
833
834 A: Sergeant (Ross) was on scene, IFO department. Uh, to my knowledge he
835 never came up to the fifth floor and never came inside. I never saw him
836 inside. He was just in front of the apartment building. He - he initially
837 answered up on the radio first as the - as - as the supervisor unit.
838
839 Q: Mm-hm.
840
841 A: Um, but Sergeant (Cardoza) and I were the first w- we beat him to the s- we
842 were there first.
843
844 Q: Okay. Who are the - who - who are the, uh, supervisors working during that -
845 during the time of that incident, which, uh, sergeant rank officers were
846 working with you?
847
848 A: Sergeant, uh, from team three it was Sergeant (Ross) and Sergeant (Cardoza).
849 And then from team four it was myself and Sergeant Huynh, uh, S-26.
850

851 Q: Okay. Huynh is H-U-Y-N-H-? Okay. And, uh, was - okay other than
852 yourself, Sergeant (Cardoza) and Sergeant (Ross) who was downstairs and
853 never entered the apartment, was there any other, uh, rank officer on scene,
854 um, higher than you?

855
856 A: Not that I recall no.

857
858 Q: Okay. Um, you said that you had prior - when you - when you saw Mr.
859 (Moore) you recognized him.

860
861 A: Yeah.

862
863 Q: Can you briefly - can you tell us how you recognize him and why?

864
865 A: Yeah, um, I believe - I - I don't know how long ago. It was probably less than
866 a year ago, I, uh, responded to a call with - I know it was Officer (Fleming),
867 Officer (To) and there might've been one or two other officers but, uh, we got
868 a call from Mr. (Moore)'s father somewhere on beat 13. Might be like 66th
869 Street or so- I can't - I can't recall the address but I know it was a beat 13.
870 And, um, Mr. (Moore)'s father was calling saying that his son, uh, uh, was -
871 was acting up and he wanted us to 5150 him. Uh, when I got on scene I - I
872 showed up as the scene supervisor. I wasn't requested. I had just - I showed
873 up at the call to see if - 'cause they - I noticed officer had been there for
874 awhile, to see if they needed any help. And when I got there, uh, officers
875 were speaking with, uh, Mr. (Moore)'s father who was adamant about us
876 taking him for a 5150 evaluation because he was upset. He was - he said his
877 son was drunk and using drugs and he didn't want him at his house anymore.
878 And I spent a lot of time explaining to, uh, his father that, you know, unless -
879 we would do the evaluation but unless he fits the criteria we can't just force
880 him to go on a 5150. So dad was - he was kind of upset with that. Um, but I
881 then made contact with Mr. (Moore) inside the house and when I did, he - I
882 want to say he - he - well he called me (Michelle). I don't know if he thought
883 I was, uh, another, you know, a former police sergeant or not but he kept
884 calling me by the name (Michelle) and he was like I remember you. Do you
885 remember me? And I di- from my knowledge I couldn't remember that I'd
886 ever had contact with him before. Uh, and so we talked. I - I spent probably I
887 want to say close to 45 minutes talking to Mr. (Moore) and it got to a point of
888 him finally agreeing to go to the hospital. Um, we were - I think we ended up
889 doing a voluntary 5150. I'm not sure if we filled out the green sheet but it was
890 a - I - basically he ended up agreeing to go. And it took m- I spent 45 minutes
891 trying to - to talk to him and (unintelligible) that he needed to go. Um, before
892 he went to the hospital, you know, I asked him - I could tell he had been under
893 the influence of alcohol. When he got up, um, to - I went to search him. I
894 located - I think at least three empty bottles of, uh, vodka - fifth - a fifth of v-
895 vodka bottles hidden in the couch, underneath the couch. Uh, one was hidden

896 in his bag that was with him. And I also located two - I believe one or two
897 crack pipes in his bag, um, before he left. And so he admitted to me at that
898 time that he had been drinking alcohol but he didn't - he told me he hadn't
899 smoked crack, uh, that day. So the dad had, you know, had told us - debriefed
900 us that he has, you know, an issue with alcohol and drugs and that it's an
901 ongoing everyday, uh, struggle and, you know, so we had that whole
902 conversation. So we spent a lot of time with the family and mom showed up
903 later and ultimately it - it ended peacefully and he ended up goin' to the
904 hospital. Uh, but I - I - I specifically remember him because he looks like a -
905 a - a - a woman. He has, you know, braids in hair and he was dressed like a
906 wo- in woman's clothing. Um, but that his name was (Xavier) and I'm pretty
907 sure he goes by the name (Xavier). I can't - I can't remember. But it was...

908
909 Q: That was the one time...

910
911 A: That was...

912
913 Q: ...then?

914
915 A: ...the one time yeah.

916
917 Q: Okay. And - and did you know at the, uh, when you walked in did you - when
918 you recognize him - you reco- you remembered he was - he had these, uh,
919 mental health issues...

920
921 A: Yeah.

922
923 Q: ...on the scene? Okay all right. Uh, uh, do you have anything?

924
925 Q1: (Amber) when you first came in and you describe that you saw him face
926 down, uh, on the bed and he's still resisting, do you remember the position that
927 his face was in in relation to the bed?

928
929 A: I couldn't see his face because there were so - there were so many officers but
930 it was - he was - he was on his stomach. I can't say that his face was like in
931 the mattress or anything. I could see that his hair - i- i- it's possible his face
932 was turned to the side, um, and that officers were just trying to hold him. I - I
933 - I do - I remember someone asking for the spit mask and thinking is he
934 spitting? So I remember knowing that his - I don't think they had control -
935 that his fa- you know what I mean? They didn't have him face down because
936 I remember thinking they're trying to keep him from spitting at people. Um,
937 but I couldn't see it enough to tell you specifically. Like I didn't get a profile
938 view or anything because, uh, there just were too many officers and his hair
939 was everywhere and I couldn't see.
940

941 Q1: Okay. And then once he was on his side...

942

943 A: Mm-hm.

944

945 Q1: ...could you see his face?

946

947 A: Yeah.

948

949 Q1: Okay.

950

951 A: I saw his profile.

952

953 Q1: It was clear?

954

955 A: It was clear.

956

957 Q1: Okay.

958

959 A: Yeah.

960

961 Q1: Uh, and then you - you'd mentioned that you called for BFD initially for the

962 gurney.

963

964 A: Mm-hm.

965

966 Q1: But then you'd also added something about - and you also knew in addition

967 that, you know, by default gonna be paramedics there too. Was that - do you

968 have a concern about him medically at that point? Did you see something that

969 worried you or was it just - it's nice to have that extra added...

970

971 A: I - I yeah I re- I just figured, um, w- given, you know, his size and condition

972 and that he's been fighting with officers that th- there would be a potential

973 concer- health concern. Um, I didn't know anything about alcohol or drugs if

974 that was a factor at - at all. I just was given a situation that it ta- it's gonna

975 take five officers to restrain him that there was, you know, that there was a

976 potential for - for him to be, you know, a- overly excited and, you know, and I

977 was just - would feel relieved if - having the paramedics there in case he

978 needed any sort of medical help. Um, and I requested - when I requested

979 them even though I'd asked for the gurney, I said code three because I wanted

980 them there immediately. One, to try and prevent officers from getting injured

981 and from the subject from getting injured. So that was the assumption I made

982 that they were coming code three and they were - they were coming fully

983 equipped to handle any sort of medical situation if - if need be.

984

985 Q1: Thank you.

986
987 A1: I don't have any questions.
988
989 Q: You have anything else you want to add that we may want to (unintelligible)
990 may be good for us to know?
991
992 A: No I think that's it. I covered it.
993
994 Q: This is the end of the interview with Sergeant (Amber) Phillips. It is 2102
995 hours.
996
997
998 This transcript has been reviewed with the audio recording submitted and it is an accurate
999 transcription.
1000 Signed _____

INTERVIEW WITH SGT. (BEN) CARDOZA

Q=Sgt. Hong

Q1=Det. Johnson

Q2=(Harry) Stern

A=Sgt. (Ben) Cardoza

Q: Okay. February 13, 2009 hours. Interview with Sergeant (Ben) Cardoza, C-A-R-D-O-Z-A. Uh, this is Sergeant Hong, H-O-N-G.

Q1: Detective Johnson, J-O-H-N-S-O-N, badge 26.

Q2: I'm (Harry) Stern, S-T-E-R-N.

A: Sergeant Cardoza, C-A-R-D-O-Z-A.

Q: And Sergeant Cardoza, you signed your, uh, waiver?

A: Yes.

Q: Okay. All right. So, um, to begin with, uh, c- could you state your rank and badge number?

A: Police sergeant, badge S31.

Q: Uh, what was your, uh, date of hire with Berkeley Police Department?

A: My initial date of hire was I believe July 12 of 99 and I was sworn in middle of December of 99.

Q: Do you have any prior law enforcement experience outside of the Berkeley Police?

A: No.

Q: Uh, which patrol operations team do you currently work?

A: Team three.

46 Q: Uh, what are the normal days worked and normal hours worked for team
47 three?
48
49 A: Monday through Thursday from 1530 to 0130.
50
51 Q: Okay. Today's date is currently the 13th as you know. When I say the word
52 yesterday I'm meaning the shift of, uh, February 12, Tuesday, okay?
53
54 A: Okay.
55
56 Q: So what was your call sign during yesterday's shift?
57
58 A: S31.
59
60 Q: And what area do you cover as a, uh – as S31?
61
62 A: The city.
63
64 Q: Okay. So your – your role as a, uh, sergeant is i- uh, i- is what?
65
66 A: A patrol supervisor.
67
68 Q: Uh, who was your supervisor at the time of yesterday's incident?
69
70 A: Lieutenant (Files).
71
72 Q: Uh, is he your normal su- uh – uh, commanding officer?
73
74 A: Yes.
75
76 Q: Prior to yesterday's shift, when was the last shift you worked?
77
78 A: Monday night.
79
80 Q: Got it. Okay. And was it the same hour?
81
82 A: Yes.
83
84 Q: All right. Do you hold any secondary employment or jobs?
85
86 A: No.
87
88 Q: Did you work any overtime after yesterday's shift or prior to yesterday's
89 shift?
90

91 A: After yesterday's shift documentation but not...

92

93 Q: Okay, extended.

94

95 A: Yes.

96

97 Q: Okay.

98

99 A: Extended.

100

101 Q: But prior to yesterday's shift would you – did you work any overtime?

102

103 A: No.

104

105 Q: Have you taken any medication, prescription or otherwise?

106

107 A: Advil.

108

109 Q: Advil. Have you consumed any alcohol in the past 24 hours?

110

111 A: No.

112

113

114

115

116

117

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135

Q: Okay. Uh, when was the last time you slept, uh, prior to yesterday's shift...

A: Uh...

Q: ...and how long?

A: ...the night prior approximately seven hours.

Q: Seven hours. Okay. Uh, did you sustain any injuries during yesterday's incident?

136
137 A: No.
138
139 Q: Do you wear corrective eyeglasses or contact lenses?
140
141 A: No.
142
143 Q: Starting from your, uh, front belt buckle going clockwise could you describe
144 what duty gear is on your duty belt?
145
146 A: My cell phone holder, my sidearm, a handcuff case, a radio holster, a
147 flashlight, a collapsible baton holster, and magazines.
148
149 Q: Okay. Did your duty belt or duty gear sustain any damage from yesterday's
150 incident?
151
152 A: No.
153
154 Q: Okay. What vehicle make and model were you driving during yesterday's
155 shift?
156
157 A: A Ford Crown Victoria Police Interceptor.
158
159 Q: And what vehicle number?
160
161 A: 1722.
162
163 Q: And what kind of markings and emergency equipment is on this vehicle?
164
165 A: Uh, it's a fully marked police vehicle.
166
167 Q: Emergency lights?
168
169 A: Yes.
170
171 Q: All right. Do you normally drive this particular vehicle?
172
173 A: Maybe.
174
175 Q: All right. Uh, you have, uh – you have a series of four different vehicles you
176 drive, uh, as a supervisor, correct?
177
178 A: Yes.
179
180 Q: Okay. And 1722 is one of them?

181
182 A: Yes.
183
184 Q: All right. Uh, and you're a single car supervising vehicle, correct?
185
186 A: Yes.
187
188 Q: All right. Um, okay. Did you complete a police report, uh, regarding
189 yesterday's incident?
190
191 A: No.
192
193 Q: Okay. Um – uh, so we're gonna get – we're gonna start speaking about the
194 incident, uh, from yesterday. We're gonna go step by step. And so, um, if you
195 can start by telling us, uh – uh, n- the incident location is, um, 2116
196 (Austin)...
197
198 A: Yes.
199
200 Q: ...apartment 514?
201
202 A: Yes.
203
204 Q: Okay. And a subject that, uh – uh, of interest, uh, that we're speaking about is
205 a person, (Xavier), uh, (Moore).
206
207 A: Yes.
208
209 Q: And he's a deceased (unintelligible). So did you go to 2116 (Austin)
210 apartment 514 yesterday?
211
212 A: Yes.
213
214 Q: Okay. Can you tell us why you went there?
215
216 A: I responded to the scene affis- after officers on scene requested code three
217 cover.
218
219 Q: Do you remember who requested code three cover?
220
221 A: I believe it was Officer Brown.
222
223 Q: Do you – can you recall any of the verbiage you used on the radio traffic?
224
225 A: I – I can't.

226
227 Q: Okay. But to your, um, interpretation of the radio traffic you felt as though it
228 was a code three request?
229
230 A: Yes.
231
232 Q: Okay. So where were you responding from when you heard this radio
233 broadcast?
234
235 A: From the station.
236
237 Q: Okay, from the station. And, uh, when you left the station did you know what
238 type of call Officer Brown was, uh, involved in?
239
240 A: I knew what the initial call was.
241
242 Q: What would it have been?
243
244 A: I believe it was a schizophrenic individual possibly off their medications and
245 drunk or something to those effect.
246
247 Q: Okay. So you f- responded from the station and then when you arrived what
248 did you do after you, uh, parked your vehicle?
249
250 A: I entered the building, took the elevator to the fifth floor, and I guess found
251 apartment 514.
252
253 Q: Did you go up the elevator by yourself?
254
255 A: I believe Sergeant (Phillips) was with me.
256
257 Q: Okay. So I'm assuming you and Sergeant (Phillips) arrived approximately
258 about the same time then?
259
260 A: Yes.
261
262 Q: Excuse me. Did you and Sergeant (Phillips) discuss anything on the elevator
263 on the way up?
264
265 A: No.
266
267 Q: And, uh, you were ultimately able to find apartment 514?
268
269 A: Yes.
270

271 Q: Okay. So can you describe, uh, the, uh – the area of this apartment and, uh,
272 before we discuss what – what you saw inside?
273

274 A: The – the apartment is located on the north side of the building. There's a
275 central courtyard in the building. When you exit the elevator you go north or
276 left and wind your way around and I think it's – it's almost in the middle of
277 that north side.
278

279 Q: Okay. So when you arrived and was, uh – was the, uh, door to apartment 514
280 open or – or closed?
281

282 A: Open.
283

284 Q: Okay. Okay. Was there any officers in the hallway when you first arrived?
285

286 A: I don't believe so.
287

288 Q: Okay. Okay. So when you looked into the apartment through the open door,
289 describe for me what you saw to the best of your recollection.
290

291 A: When I looked inside there was a group of officers restraining an individual
292 on a mattress inside I guess it's be like, the main room of the apartment
293 towards the – the east wall of the apartment. The mattress was on the floor and
294 the officers were on top of the individual. The individual was screaming and
295 actively resisting, both kicking and fighting the officers.
296

297 Q: Okay. Before we get to some more specifics, do you recall when you arrived
298 can you tell us the names of the officers that were inside the apartment? Not
299 what they were doing, but all the officers that were inside the apartment when
300 you arrived. Can you recall?
301

302 A: I can recall some of them, not...
303

304 Q: Okay, the ones that you recall, can you c- tell us their name – their names?
305

306 A: Officer Mathis, Officer Brown, Officer Tu, and I know there were several
307 others but those were the – what I remember seeing.
308

309 Q: Okay. Officer Mathis, M-A-T-H-I-S, Officer Brown, B-R-O-W-N, Officer Tu,
310 T-U. And there was several other officers. Okay. Got it. Now you said that,
311 um, when you, uh, looked in at officers – at – at least Officers Mathis, Brown,
312 Tu, and potentially others were in a fight with the, uh – with, uh, Mr. (Moore).
313 Uh, you said that Mr. (Moore) was screaming. Can you recall what exactly
314 words he was screaming or what he was saying?
315

316 A: No, I can't.

317
318 Q: Okay. While we're on topic can you recall if Mr., um – Mr. (Moore) at any
319 time you heard him ask or say that he was, uh, hurt in – in any fashion, needed
320 an ambulance, or needed emergency medical attention in any fashion?

321
322 A: No.

323
324 Q: And you said there were officers on top of Mr. (Moore). Could you describe
325 for me which – can you tell me which officers were on top of (Moore) and in
326 what fashion? Uh, like, why would you – what would be them being on top of
327 (Moore)? How could you de- how would you describe that?

328
329 A: The only one I can truly describe is Officer Mathis and I don't know if on top
330 is a correct word but he was attempting to restrain Mr. (Moore)'s legs.

331
332 Q: Okay.

333
334 A: The other officers were attempting to restrain I believe arms and m- just
335 basically restrain Mr. (Moore).

336
337 Q: Okay. Uh, Mr. (Moore)'s body during this restrain attempt process – uh, was
338 the body on top of the mattress or on the ground?

339
340 A: I believe it was the mattress.

341
342 Q: Okay. Was Mr., uh, (Moore)'s f- face down or face up?

343
344 A: Face down.

345
346 Q: Okay. So would it be fair to say that, uh, him being face down he was lying on
347 the front of his body 'cause – meaning his chest, stomach, legs?

348
349 A: Yes.

350
351 Q: Okay. And do you recall – now you said m- Officer Mathis was trying to
352 restrain Mr., uh, (Moore)'s legs or ankles. And do you recall exactly if you
353 can remember w- uh, what Officer Brown's positioning was?

354
355 A: I can't remember.

356
357 Q: Can you remember Officer Tu's positioning?

358
359 A: No.

360

361 Q: Okay. Um, do you know – do you remember if it was Officer – did you at all
362 assist in the physical struggle?
363

364 A: No.
365

366 Q: Okay. Do you recall if Officer f- or Sergeant (Phillips), uh, attempted to assist,
367 uh, officers in the physical struggle?
368

369 A: I don't believe so.
370

371 Q: Okay. You're not sure?
372

373 A: Not sure.
374

375 Q: Okay. Um, would you characterize Mr. (Moore) as fighting the officers?
376

377 A: Yes.
378

379 Q: Okay. Could you describe why you believe Mr. (Moore) was fighting the
380 officers as opposed to complying?
381

382 A: He was actively resisting. He was attempting to use his feet to kick the
383 officers. He was squirming around on the mattress, just moving and not
384 compliant with the officers.
385

386 Q: Did you hear any commands by officers for compliance?
387

388 A: I don't recall.
389

390 Q: So the struggle is continuing. Eventually, um, is Mr. (Moore) controlled in
391 some fashion?
392

393 A: Yes.
394

395 Q: Okay. Could you describe what you mean by he's con- by how s- he's
396 controlled?
397

398 A: He – he was controlled. The officers were eventually able to handcuff him and
399 then Officer Mathis was able – on my way up the elevator I brought a wrap
400 just in case and from the nature of it and I guess while on the elevator they
401 requested a wrap. But we were able to control Mr. (Moore)'s ankles by just
402 using the I guess the ankle strap of the wrap and that was it.
403

404 Q: Okay. And when you say, uh, the officers were successful in handcuffing Mr.,
405 uh, (Moore), uh, w- is there a standard handcuffing that they did...

406
407 A: I...
408
409 Q: ...to the back?
410
411 A: I don't recall how they did it but at some point he was handcuffed behind his
412 back.
413
414 Q: Okay. Um, okay. So he's handcuffed and you noticed that, uh – was the leg
415 restrain successful as well – the ankle restraint?
416
417 A: I believe so.
418
419 Q: Okay. Um, now after the res- restraints were placed on Mr. (Moore) how was
420 his demeanor, behavior, w- did it change?
421
422 A: While I was still there he was still resisting and still screaming.
423
424 Q: And at this point can you recall what he was screaming?
425
426 A: No.
427
428 Q: Okay. All right. So, uh – so then what – what – what's the next thing that you
429 recall happening then?
430
431 A: For myself at some point during or that minute or so after he's restrained, uh,
432 BFD was contacted via dispatch and I had gone down to basically meet up
433 with the engine and the ambulance to advise what we needed and to check on
434 – or basically what we required from them.
435
436 Q: Okay. So when, uh – when you said that, uh, BFD was – was notified via the
437 police radio – is that correct?
438
439 A: Yes.
440
441 Q: All right. What was the request need?
442
443 A: I believe it was for a medical evaluation and, um, a gurney.
444
445 Q: Do you know why, uh, specifically a gurney was requested?
446
447 A: B- because of Mr. (Moore)'s size and I believe his combativeness. There was
448 no way he was gonna be walked out of the...
449
450 Q: Okay, the apartment?

451
452 A: Correct.
453
454 Q: Okay. Okay. So when you left the apartment to, uh, make sure BFD finds their
455 way to the apartment you're saying that mis- at that point Mr. (Moore) was
456 still in a active, uh, res- resisting mo- he was resisting?
457
458 A: Yes.
459
460 Q: Even though the handcuffs were on and the ankle tie was ma- uh, ankle
461 restraint was done when you left he was still in the, uh, physical, um, act of
462 resisting?
463
464 A: Correct. He was still agitated...
465
466 Q: Okay.
467
468 A: ...and still...
469
470 Q: All right. All right. When you left the last position you saw Mr. (Moore) was
471 what position – his body?
472
473 A: Face down on the mattress.
474
475 Q: On the mattress?
476
477 A: Yes.
478
479 Q: Okay. All right. Now you said specifically, uh, that, um – scratch that. During
480 your time inside the apartment did you at all ever see officers putting their, uh
481 – um, fully on top of Mr. (Moore)?
482
483 A: Not that I can recall.
484
485 Q: Do you recall at all seeing any officers, uh, on top of Mr. (Moore)'s head?
486
487 A: No.
488
489 Q: Mr. (Moore)'s neck?
490
491 A: No.
492
493 Q: Chest area?
494
495 A: I can't recall.

496
497 Q: Okay. Uh, like, stomach area?
498
499 A: Uh, I can't recall.
500
501 Q: Okay. Uh, let's see. Did you know when you arrived why – what was the
502 officer's intent on handcuffing? What was the purpose of handcuffing? What
503 was the ultimate goal f- for Mr. (Moore)? W- what did the – what did the
504 officers want to do with Mr. (Moore)?
505
506 A: I don't know what the ultimate goal was but I believe at that time it was just to
507 restrain – restrain him.
508
509 Q: Oh i- restrain a combative person?
510
511 A: Correct.
512
513 Q: But you didn't know w- why they were trying to restrain him w- why they –
514 they felt it was necessary to restrain him? You didn't know at that point?
515
516 A: No.
517
518 Q: Got it. Okay. All right. Did you at all during your time inside the apartment
519 ever see any of the officers strike Mr. (Moore) in open hand or closed – closed
520 h- fist?
521
522 A: No.
523
524 Q: Did you at all ever see any officers strike Mr. (Moore) with a baton?
525
526 A: No.
527
528 Q: Did you at all an- see any officers deploy and use their OC spray?
529
530 A: No.
531
532 Q: Did you at all ever – ever see any officer use any object in the room or on
533 their belt that is of – that's hard in nature to strike Mr. (Moore) with?
534
535 A: No.
536
537 Q: Did any of the officers discharge a firearm?
538
539 A: No.
540

541 Q: Did any w- officers use their sidearm or their duty pistol to hit Mr. (Moore)
542 with?
543
544 A: No.
545
546 Q: Okay. Um – um, and also kicking. Did you see any officers kick Mr. (Moore)?
547
548 A: No.
549
550 Q: And after you left to make – ensure that BFD will find their way back – so
551 you went down?
552
553 A: Yes.
554
555 Q: But you took the elevator?
556
557 A: Yes.
558
559 Q: And when you went down and you waited – so tell us b- what happened after
560 when you went down.
561
562 A: I went down, waited I don't know less than a minute or so, and as the engine
563 rolled up – the fire department engine rolled up I heard over the air one of the
564 officers say I believe starting CPR.
565
566 Q: Okay.
567
568 A: And I advised the paramedics that the nature of the call had changed from
569 what I guess they initially said and said that officers were starting CPR on the
570 individual. And then myself and the fire engine crew went back up the
571 elevator.
572
573 Q: So you accompanied the paramedics to the apartment?
574
575 A: Yes.
576
577 Q: Okay. Once you arrived back at the apartment with the, um, paramedics, what
578 was your observations of what was going on?
579
580 A: From what I saw is I entered the apartment. Mr. (Moore) was on his back now
581 to the – I guess to the left of the mattress so on the floor. I'm pretty sure hi- he
582 was uncuffed. The, uh – the leg restraint was still on him so the – the strap
583 was still on him. And Officer Tu is doing chest compressions on Mr. (Moore).
584
585 Q: And after the paramedics arrived they took over the CPR process?

586
587 A: Yes.
588
589 Q: All right. So, um, paramedics are doing the CPR and then I'm assuming if this
590 is correct that they're loading Mr. (Moore) onto a gurney and taking him –
591 took i- with the intent to take him to the hospital?
592
593 A: Yes.
594
595 Q: Did that all occur? He was taken outside the apartment with the paramedics
596 and taken to the hospital?
597
598 A: Yes.
599
600 Q: Okay. Uh, after Mr. (Moore) has now left with the paramedics, um, what you
601 as a, um, h- let me ask you this. Who was considered, uh, the scene supervisor
602 at this incident?
603
604 A: I was.
605
606 Q: Okay. So you assumed scene supervisor's, uh, role?
607
608 A: Yes.
609
610 Q: Okay. Okay. Did you make any type of assignments or, um – uh, tasks?
611
612 A: Yes.
613
614 Q: Okay. Could you rem- do you remember if you can recall (unintelligible) what
615 kind of assignments you made?
616
617 A: I directed Officer (Cassinor) to obtain a written statement from one of the
618 individuals who I guess we later determined was inside the apartment initially.
619 Believe another officer had gone to the jail to book another individual that
620 was in the I guess apartment or well, I believe it ended up being the reporting
621 party.
622
623 Q: Mm-hm.
624
625 A: And I also made sure that officer was gonna take a written statement from that
626 individual. Uh, I directed believe it was Officer Mathis and Officer
627 (Macintosh) to do a neighborhood check. I requested for the ID tech to come
628 and photograph the scene. And – oh, prior to all of that while the fire
629 department was working on Mr. (Moore) I notified the on duty watch
630 commander about the incident and what had happened.

631
632 Q: Okay.
633
634 A: And believe at that point in time that was it.
635
636 Q: Okay. Um, did you have a – I ‘m – I’m assuming you had a chance to observe
637 Mr. (Moore). Do you – would you, um, characterize Mr. (Moore) based on
638 your training and experience and I don’t know the specifics on your training
639 and experience in this, uh, topic but do y- would you consider, uh, Mr.
640 (Moore) as been – being under the influence of some type of – under the
641 influence of drugs or alcohol?
642
643 A: Possibly.
644
645 Q: Possibly. Okay. But you can’t be certain?
646
647 A: No.
648
649 Q: Okay. You yourself never went hands on with Mr. (Moore)?
650
651 A: No.
652
653 Q: Never touched him?
654
655 A: No.
656
657 Q: Okay. Um, have you ever had any prior contacts with Mr. (Xavier Moore)?
658
659 A: No.
660
661 Q: Do you have any prior knowledge of Mr. (Xavier Moore)?
662
663 A: No.
664
665 Q: And let me take a pause and think (unintelligible) anything?
666
667 Q1: (Unintelligible).
668
669 Q: Mr. Stern?
670
671 Q2: Sure. I have a quick one. During the time you were in apartment 514 and you
672 had the opportunity to observe the struggle did Mr. (Moore) ever say anything
673 like, “I’m having trouble breathing.”?
674
675 A: Not that I recall.

676
677 Q2: Okay. Anything like the request for medical assistance that you heard?
678
679 A: Not that I recall.
680
681 Q2: Okay.
682
683 Q: Um, inside the apartment did you see in plain view anything that you felt was
684 illegal contraband, weapons, or anything?
685
686 A: Yes.
687
688 Q: What did you see?
689
690 A: There was a cap of a hypodermic s- syringe on the floor as well as a capped
691 syringe in I guess it would be considered the bedroom as well as a, uh, I
692 believe it was at least one or two pipes he used for smoking marijuana and
693 there were quite a few prescription pill bottles. I don't know if they were Mr.
694 (Moore)'s or not.
695
696 Q: Okay. To you knowledge, um – let me ask you. Had – did – have you ever –
697 did you ever speak with Mr. (Moore)?
698
699 A: No.
700
701 Q: Did you ever speak with the gentlemen by the name of, um...
702
703 Q1: (Hayes).
704
705 Q: ...(John Hayes)?
706
707 A: No.
708
709 Q: Did you speak...
710
711 Q1: (Unintelligible) (██████████)?
712
713 Q: And did you speak with any gentleman by the name of (██████████)?
714
715 A: Other than asking him to wait while I spoke with the officer speaking with
716 him, no. So...
717
718 Q: Okay, and you had to speak with Mr. (██████████) why? Because he was on
719 scene?
720

721 A: Correct.
722
723 Q: Okay. Do you know what his relationship was to the apartment?
724
725 A: I do – I do not.
726
727 Q: You don't know?
728
729 A: I be- believe he was a friend visiting or...
730
731 Q: Okay.
732
733 Q2: When the officers are first – when you first showed up and saw the officers
734 attempted to restrain him at that point would you say that he was verbal, he
735 was yelling and making noise?
736
737 A: Yes.
738
739 Q2: This – that Mr. (Moore) was? Okay. Um, and you – at – at no point did you –
740 I think you already asked this actually. Did you, um – and d- did appear that
741 he was unable to make noise or breathe or any indication of that?
742
743 A: Not while I was there.
744
745 Q2: Okay. Um...
746
747 Q: Do you recall how he was dressed – Mr. (Moore)?
748
749 A: I think he had what looked like a blanket or something – he was almost naked
750 – just wrapped around his an- while the fight happened it needed up around
751 his thighs. So...
752
753 Q: You said a blanket?
754
755 A: Blanket or some type of sheet or something...
756
757 Q: Okay.
758
759 A: ...to that...
760
761 Q: Um, okay. And, uh, I think you spoke earlier. You – you did, uh, complete
762 some Berkeley Police Department, uh, documentation. What – what would
763 have been those documentations you did?
764

765 A: I completed a use of force report for the incident as well as a, uh, supervisor's
766 log.
767

768 Q: And I think one more last question I have is you said that you came to the
769 apartment with Sergeant (Phillips). You recall Officer Mathis, Officer Brown,
770 and Officer Tu to the best of your recollection. Can you tell us any other
771 officers who were on scene, uh, inside or outside the apartment?
772

773 A: At that point?
774

775 Q: At...
776

777 Q1: At any...
778

779 Q: ...any time that you were there prior to leaving the entire, uh, incident scene.
780 What other officers to your recollection was there?
781

782 A: So the entire – after leaving the entire scene f- finishing the incident or...
783

784 Q: Dur- during the time that you were there at – at the apartment complex...
785

786 A: Okay.
787

788 Q: ...inside the apartment, outside the complex do you recall other – which other
789 officers may have showed up to assist in whatever fashion?
790

791 A: Officer (Cassinor) was there. Officer (Gardner) was there. I – I saw Officer
792 (Smith) there. I don't recall seeing him outside. I remember seeing him
793 outside the building. He may have been inside earlier. Um, Officer
794 (Macintosh). Y- uh, CSO (Jamison) was the ID tech. And I think that's all I
795 can recall.
796

797 Q: Okay. Other than yourself and Sergeant (Phillips) was there any other sergeant
798 ranked, uh, officer there?
799

800 A: Sergeant (Ross) was there but never inside the apartment building.
801

802 Q: Okay. Was there any other ranking officer there other than officer or sergeant
803 on scene?
804

805 A: No.
806

807 Q: (Unintelligible).
808

809 Q2: No, thank you.

810
811 Q: Is there anything you'd like to add that – that we may have missed or you
812 think is, uh – uh – um, w- valuable for us to hear?
813

814 A: No.
815

816 Q: All right. End of the interview with Sergeant Cardoza. It is 2038 hours.
817
818

819 This transcript has been reviewed with the audio recording submitted and it is an accurate
820 transcription.

821 Signed _____

Radio Traffic Timeline / Enhanced Courier

12

February 12, 2013

23:54:18 Call is dispatched to 3A4 (Brown) and 4A5 (B. Smith)
23:57:16 4A3 (Tu) attaches himself to the call
23:57:36 Brown arrives on-scene
23:58:07 Tu and Smith arrive on-scene
23:58:29 Brown requests call into Reporting Party (Hayes)
23:59:57 Dispatch advises Hayes is stepping out

February 13, 2013

00:11:25 B. Smith requests records checks on Hayes and Moore w/RB1
00:16:54 RB1 advises Hayes has a \$5,000 warrant/SF
00:19:52 RB1 advised Moore has caution code for PC 245 (a)(1)
00:21:09 B. Smith confirm warrants on Hayes w/RB1
00:29:14 Brown requests additional cover, 4A6 (Mathis) and 4A7 (Kastmiller) assigned
00:29:49 3A16 (Gardner) requests address, S25 (Ross) responding
00:30:44 Mathis asks dispatch for room (apt.) number, advised 514
00:32:48 Kastmiller requests a WRAP
00:32:56 S17 (Phillips) and S31(Cardoza) on-scene with a WRAP
00:33:02 Kastmiller requests spit mask
00:33:12 Ross to confirm WRAP on-scene
00:33:17 Kastmiller advises they have a WRAP, S31 in the apt.
00:33:24 Phillips requests a spit mask
00:34:00 3A2 (Kaplan) on-scene, check for spit mask in cars
00:34:14 Mathis advised a spit mask is in his bag
00:34:35 Phillips requests BFD, Code 3 w/gurney, WRAP no sufficient
00:35:05 Phillips advises Code 4 / Code 34
00:39:24 Dispatch confirms BFD needed for both gurney and medical
Phillips confirms and advises subject is having trouble breathing
Code 3 response requested
00:41:03 Phillips advises subject not breathing, starting CPR
00:41:22 BFD on-scene
00:41:30 Ross broadcast they are advising BFD the need to expedite
00:41:47 BFD advised
00:54:23 Cardoza request ID Tech, ID Tech enroute
00:57:22 Phillips request additional unit
00:57:40 4A9 (McIntosh) enroute

Radio Traffic Timeline / Enhanced Courier

01:07:04	Tu enroute to Alta Bates
01:10:35	B. Smith clears scene, enroute to jail
01:30:46	3A14 (A. Frankel) Out at ABH
01:33:26	Cardoza at ABH
01:36:22	Tu enroute to station
01:39:00	Phillips clear Allston, enroute to station
01:44:44	Mathis request keys from B. Smith
02:09:41	Mathis broadcast BPD units are clear from the Gaia Building
08:03:15	1A2 (Pierantoni) assigned to secure 2116 Allston #514
08:11:23	Pierantoni posted IFO #514
09:40:00	Pierantoni relieved of post by detective unit

COMMUNICATION CENTER TAPE

FEBRUARY 12, 2013 AT 2349

CHANNEL ONE

Dispatcher: Berkeley 911 Emergency.

Caller: Yes, I would like the police to come up to 2116 Allston Way.

Dispatcher: What's happening at 2116 Allston?

Caller: Okay, my roommate is acting a fool. He needs to go to the psych ward. Somebody needs to check him in. My name is on the lease okay.

Dispatcher: Okay, wait one second. 2115 or 16?

Caller: 2116.

Dispatcher: 16.

Caller: The Gaia building.

Dispatcher: Which apartment number?

Caller: 514. I'll be standing out front.

Dispatcher: Okay. Before you get off the phone I need to get some more information from you. Okay your roommate you said needs to be 5150'd?

Caller: Yes.

Dispatcher: Does he take medication?

Caller: Well he should be taking medication but he's declining. He hasn't taken it or hasn't been taking it for a long time.

Dispatcher: Okay.

Caller: But he still knows what he's doing and what he's doing --

Dispatcher: What is his name sir?

February 12, 2013

Caller: Xavier Moore.

Dispatcher: And what race is he?

Caller: He's black.

Dispatcher: About how old?

Caller: Forty. About 42 years old.

Dispatcher: Do you know what he's wearing tonight? What color jacket?

Caller: He's not wearing a jacket. He's wearing um sarong, like a skirt with a UI. It's a sarong he's wearing. He has a fake, he has yarn inside the hair.

Dispatcher: Okay, so a colorful shirt and something in his hair?

Caller: No, UI like a shirt.

Dispatcher: And he's still inside?

Caller: Yeah, he's still inside. He put me out for no reason. Well if he's putting me out I want my a hundred dollars UI I paid.

Dispatcher: Okay and what is your name?

Caller: John Hayes.

Dispatcher: Okay, Mr. Hayes give me your first name again.

Caller: John, J O H N.

Dispatcher: Okay. Does he have any weapons that you know of?

Caller: There is a kitchen knife up there but he didn't have it in his hand when I was last at the house but he just had, if you go up there he could pick that up because I've seen him do that before in the past, pick up a kitchen knife like he was going to use it but he's not carrying it as a weapon at this time no. But there is one up there.

Dispatcher: And you said that you think that he should be on medication but he's taking it?

Caller: No, he is on medication, it's just the he hasn't taken it for so long.

Dispatcher: Do you know what is diagnosis is? Is he paranoid schizophrenic? What is he?

Caller: No, one is schizoid effective and the other two they don't have names for. But he still knows what he's doing and he also has been drinking alcohol.

Dispatcher: Okay, you're going to meet us in the front?

Caller: Yes, I'll be out front.

Dispatcher: Okay, we'll get an officer there.

Caller: Thank you.

Dispatcher: Okay, bye.

Caller: Bye.

COMMUNICATION TAPE

**FEBRUARY 12, 2013 AT 2354
CHANNEL NINE**

Dispatcher: 10-4, 4 Adam 5, 1 5 – 415 between roommates at the Gaia Building, 2116 Alston.

Officer: Five check.

Dispatcher: It's going to room 514 at 2116 Alston between roommates. Apparently one according to the RP is schizophrenic and off his meds and possibly 647(f). It's was so long UI. One of the responsible is going to be Xavier Moore, a black male 43 with some type of sarong on and a wrap. Prior events show a couple of medicals, 1042s, no weapons and possible medical eval.

Officer: The room number again.

Dispatcher: 5 1 4, 514.

Officer: Copy.

Officer: 516 10 Adam 7.

Dispatcher: 10-4.



Detail Call For Service Report

14

Login ID: ksmith

Print Date/Time: 03/11/2013 12:48

From CFS: 500 From Date: 01/11/2013 08:19 CFS Type: All
To CFS: 500 To Date: 01/11/2013 08:19 Agency Type:
Layer: All Areas: All
CFS Number: 500 Call Date/Time: 01/11/2013 08:19:14 Primary Incident: 2013-00000331

Location: 2116 ALLSTON WAY 514 BERKELEY, CA 94710, Berkeley Dispatch Time: 01/11/2013 08:22:31
Additnl Loc Info: Arrive Time: 01/11/2013 08:25:55
Common Name: GAIA APT BUILDING Clear Date/Time: 01/11/2013 09:38:08
Phone: [REDACTED] Nature Of Call: Created By: Robinson, Carmen
Call Type: MEDICAL Report Required: No Canceled: No
Status: IN PROGRESS Priority: 1 Source: 911 Call
Police ORI: CA0010300 EMS ORI: Fire ORI: 01015

Person Information

Name	Person Type	Address	Phone	Race	Sex	DOB	Age	SSN
HAYES JOHN	E911	2116 ALLSTON WAY BERKELEY, CA 94704, Berkeley	[REDACTED]					

Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
01/11/2013 08:19:14	Robinson, Carmen	E911 Info - Class of Service: RESD Special Response Info: BERKELEY FIRE BERKELEY FIRE AMB
01/11/2013 08:20:04	Robinson, Carmen	woman says she WAS having trouble breathing, and she will " get back to us " later...
01/11/2013 08:20:40	Robinson, Carmen	woman says " i dont want you guys calling"... " ill call back when i get to my part of the universe"
01/11/2013 08:20:59	Robinson, Carmen	Nature Of Call: 1042
01/11/2013 08:21:59	Saechao, Kathy	rp is calling back
01/11/2013 08:22:04	Saechao, Kathy	states difficulty breathing
01/11/2013 08:22:12	Saechao, Kathy	rp: xavier moore

Associated Areas

Area Type Code	Description
Quadrant	041
Station	Sta 2
Beat	4E
District	
Police ORI	CA0010300
EMS ORI	
Fire ORI	01015

Incident Number(s)

Incident Number	ORI Number	Primary Unit	Department Name	Agency Type
2013-00000331	01015	Yes	Berkeley Fire Department	Fire

Unit(s)

Unit	Primary Unit	Radio Number	Personnel
M2	No	Medic 2	
E2	Yes	Engine 2	



Detail Call For Service Report

Login ID: ksmith

Print Date/Time: 03/11/2013 12:48

From CFS: 500 From Date: 01/11/2013 08:19 CFS Type: All
To CFS: 500 To Date: 01/11/2013 08:19 Agency Type:
Layer: All Areas: All

CFS Number: 500 Call Date/Time: 01/11/2013 08:19:14 Primary Incident: 2013-00000331

Call Log

Log Date/Time	Entered By	Action	Description
01/11/2013 08:19:14	Robinson, Carmen	Call Created	New call created. Call Type: NEW, Location: 2116 ALLSTON WAY, Phone Number: (510)841-1195, Name: HAYES JOHN
01/11/2013 08:19:14	Robinson, Carmen	Narrative Added	E911 Info - Class of Service: RESD Special Response Info: BERKELEY FIRE BERKELEY FIRE AMB
01/11/2013 08:19:14	Robinson, Carmen	Person Added	Name: HAYES JOHN
01/11/2013 08:19:27	Robinson, Carmen	Location	Location: 2116 ALLSTON WAY, Qualifier: 514, Venue: Berkeley
01/11/2013 08:19:36	Robinson, Carmen	Call Type	NewCallType: A911, Status: In Progress, Priority: 1
01/11/2013 08:20:04	Robinson, Carmen	Narrative Added	woman says she WAS having trouble breathing, and she will "get back to us " later...
01/11/2013 08:20:36		Call Timer Expired	Call Timer Expired
01/11/2013 08:20:40	Robinson, Carmen	Narrative Added	woman says " i dont want you guys calling"... " ill call back when i get to my part of the universe"
01/11/2013 08:20:46	Robinson, Carmen	Call Type	NewCallType: 1042, Status: In Progress, Priority: 2
01/11/2013 08:20:51	Robinson, Carmen	Call Ready for Dispatch	
01/11/2013 08:20:57	Robinson, Carmen	Call Type	NewCallType: A911, Status: In Progress, Priority: 1
01/11/2013 08:20:59	Robinson, Carmen	Call Updated	Nature of Call: 1042
01/11/2013 08:20:59	Robinson, Carmen	Narrative Added	Nature Of Call: 1042
01/11/2013 08:21:47	Robinson, Carmen	Alerts Accessed	Clicked Alert Icon: Location ALERT: Prior Incident
01/11/2013 08:21:51	Saechao, Kathy	Call Type	NewCallType: MEDICAL, Status: In Progress, Priority: 1
01/11/2013 08:21:59	Saechao, Kathy	Narrative Added	rp is calling back
01/11/2013 08:22:04	Saechao, Kathy	Narrative Added	states difficulty breathing
01/11/2013 08:22:12	Saechao, Kathy	Narrative Added	rp: xavier moore
01/11/2013 08:22:28	Saechao, Kathy	Unit Recommendation	Recommended Run Card Unit(s): E2, M2.
01/11/2013 08:22:31	Saechao, Kathy	Incident Created	Added Incident Number, ORI: 01015 , Number: 2013-00000331
01/11/2013 08:22:31	Saechao, Kathy	Unit Status Action	Unit E2 Dispatched
01/11/2013 08:22:31	Saechao, Kathy	Unit Status Action	Unit M2 Dispatched
01/11/2013 08:23:08	Saechao, Kathy	Alerts Accessed	Clicked Alert Icon: Location ALERT: Prior Incident
01/11/2013 08:23:57	Engine 2	Unit Status Action	Unit E2 Enroute
01/11/2013 08:24:50	Medic 2	Unit Status Action	Unit M2 Enroute
01/11/2013 08:25:55	Engine 2	Unit Status Action	Unit E2 On Scene
01/11/2013 08:27:27	Saechao, Kathy	Unit Status Action	Unit M2 On Scene
01/11/2013 08:34:39	Engine 2	Unit Status Action	Unit E2 cleared from call
01/11/2013 08:35:14	Saechao, Kathy	Unit Status Action	Unit M2 Transporting
01/11/2013 08:42:49	Saechao, Kathy	Unit Status Action	Unit M2 At Hospital
01/11/2013 09:33:51	Medic 2	Unit Status Action	Unit M2 cleared from call
01/11/2013 09:38:08	Saechao, Kathy	Call Cleared	
03/07/2013 13:51:33	Velasquez, Brenda	Alerts Accessed	Viewed All Alerts (Excluding Prior Incidents)



Detail Call For Service Report

Login ID: ksmith

Print Date/Time: 03/11/2013 12:48

From CFS: 500
To CFS: 500
Layer: All

From Date: 01/11/2013 08:19
To Date: 01/11/2013 08:19
Areas: All

CFS Type: All
Agency Type:

CFS Number: 500 Call Date/Time: 01/11/2013 08:19:14 Primary Incident: 2013-00000331

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
01/11/2013 08:22:31	Saechao, Kathy	M2	Dispatched	Unit Status Change		2116 ALLSTON WAY, Berkeley
01/11/2013 08:22:31	Saechao, Kathy	E2	Dispatched	Unit Status Change		2116 ALLSTON WAY, Berkeley
01/11/2013 08:23:57	Engine 2	E2	Enroute	Unit Status Change		
01/11/2013 08:24:50	Medic 2	M2	Enroute	Unit Status Change		
01/11/2013 08:25:55	Engine 2	E2	On Scene	Unit Status Change		
01/11/2013 08:27:27	Saechao, Kathy	M2	On Scene	Unit Status Change		
01/11/2013 08:34:39	Engine 2	E2	Available	Unit Status Change		
01/11/2013 08:34:39	Engine 2	E2	Available	Unit Cleared	Unit cleared from call	
01/11/2013 08:35:14	Saechao, Kathy	M2	Transporting	Unit Status Change		abh
01/11/2013 08:42:49	Saechao, Kathy	M2	At Hospital	Unit Status Change		
01/11/2013 09:33:51	Medic 2	M2	Available	Unit Status Change		
01/11/2013 09:33:51	Medic 2	M2	Available	Unit Cleared	Unit cleared from call	



Detail Call For Service Report

Login ID: ksmith

Print Date/Time: 03/05/2013 10:36

From CFS: 393 From Date: 01/10/2013 19:19 CFS Type: All
To CFS: 393 To Date: 01/10/2013 19:19 Agency Type:
Layer: All Areas: All
CFS Number: 393 Call Date/Time: 01/10/2013 19:19:36 Primary Incident: 2013-00001815

Location: 2116 ALLSTON WAY 514 BERKELEY, CA 94710, Berkeley
Additnl Loc Info:
Common Name: GAIA APT BUILDING
Phone:
Call Type: 1042
Status: IN PROGRESS
Police ORI: CA0010300
Nature Of Call:
Report Required: No
Priority: 2
EMS ORI:
Dispatch Time: 01/10/2013 19:28:28
Arrive Time: 01/10/2013 19:30:15
Clear Date/Time: 01/10/2013 20:18:01
Created By: Edwards, Valentin A.
Canceled: No
Source: Telephone
Fire ORI: 01015

Person Information

Name	Person Type	Address	Phone	Race	Sex	DOB	Age	SSN
MOORE, ELYSSE	REPORTING PARTY							

Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
01/10/2013 19:20:18	Edwards, Valentin A.	SON SOUNDED VERY DISTRESSED TODAY AND SAYING A "FRIEND" WHO IS STAYING AT RESD WILL NOT LET HIM LEAVE
01/10/2013 19:20:35	Edwards, Valentin A.	RP'S SON IS SCHIZOPHRENIC AND POSS USING DRUGS ALSO
01/10/2013 19:23:28	Edwards, Valentin A.	SON: XAVIER MOORE BMA (TRANSGENDER) 41YRS 5'11, 400LB RP CONCERNED SUBJ IS ALSO SUICIDAL (UNK VIA WHAT)
01/10/2013 19:23:47	Edwards, Valentin A.	SON CAN BECOME VIOLENT WHEN UPSET UNSURE IF HE WOULD BE THAT WAY WITH BPD
01/10/2013 19:24:01	Edwards, Valentin A.	RP AND HUSBAND UNABLE TO CTC SON BY PHONE (NOT ANSWERING)
01/10/2013 19:25:01	Edwards, Valentin A.	NAME OF ROOMATE: SHABORN TARRA (POSS ALIAS) REAL NAME : JOHN HAYES... POSS THIRD SUBJ LIVING THERE
01/10/2013 19:25:23	Edwards, Valentin A.	ALL 3 SUBJ POSS ON DRUGS/ COCAINE AND HEROIN
01/10/2013 19:25:48	Edwards, Valentin A.	SON 'S PH: (NO ANSWER)
01/10/2013 19:28:31	Galvan, Edward	Dispatch received by unit 3A18
01/10/2013 19:34:02	Brown, Gwendolyn	Dispatch received by unit 3A4
01/10/2013 19:52:39	Querubin, Gloria M.	RING
01/10/2013 19:55:21	Querubin, Gloria M.	QOA, NO ANSWER AT THE DOOR
01/10/2013 19:55:28	Brown, Gwendolyn	QOA. No answer at the door. Primary/No Paper.
01/10/2013 19:58:53	Edwards, Valentin A.	PH TO RP
01/10/2013 20:14:42	Brown, Gwendolyn	Dispatch received by unit 3A4
01/10/2013 20:17:24	Brown, Gwendolyn	Spoke with RP via telephone, per her request. Information was provided. Primary/No Paper.

Dispositions

Disposition	Disposition Count
M	3



Detail Call For Service Report

Login ID: ksmith

Print Date/Time: 03/05/2013 10:36

From CFS: 393 From Date: 01/10/2013 19:19 CFS Type: All
To CFS: 393 To Date: 01/10/2013 19:19 Agency Type:
Layer: All Areas: All

CFS Number: 393 Call Date/Time: 01/10/2013 19:19:36 Primary Incident: 2013-00001815

Associated Areas

Area Type Code	Description
Quadrant	041
Station	Sta 2
Beat	4E
District	
Police ORI	CA0010300
EMS ORI	
Fire ORI	01015

Incident Number(s)

Incident Number	ORI Number	Primary Unit	Department Name	Agency Type
2013-00001815	CA0010300	No	Berkeley Police Department	Police

Unit(s)

Unit	Primary Unit	Radio Number	Personnel
3A18	No	3A18	02740 Galvan
3A4	No	3A04	01241 Brown



Detail Call For Service Report

Login ID: ksmith

Print Date/Time: 03/05/2013 10:36

From CFS: 393 From Date: 01/10/2013 19:19 CFS Type: All
To CFS: 393 To Date: 01/10/2013 19:19 Agency Type:
Layer: All Areas: All

CFS Number: 393 Call Date/Time: 01/10/2013 19:19:36 Primary Incident: 2013-00001815

Call Log

Log Date/Time	Entered By	Action	Description
01/10/2013 19:19:36	Edwards, Valentin A.	Call Created	New call created. Call Type: NEW, Location: , Phone Number: , Name:
01/10/2013 19:19:36	Edwards, Valentin A.	Person Added	Name:
01/10/2013 19:20:18	Edwards, Valentin A.	Narrative Added	SON SOUNDED VERY DISTRESSED TODAY AND SAYING A "FRIEND" WHO IS STAYING AT RESD WILL NOT LET HIM LEAVE
01/10/2013 19:20:35	Edwards, Valentin A.	Narrative Added	RP'S SON IS SCHIZOPHRENIC AND POSS USING DRUGS ALSO
01/10/2013 19:20:55	Edwards, Valentin A.	Location	Location: 2116 ALLSTON WAY, Venue: Berkeley
01/10/2013 19:20:59	Edwards, Valentin A.	Location	Location: 2116 ALLSTON WAY, Qualifier: 514, Venue: Berkeley
01/10/2013 19:21:16	Edwards, Valentin A.	Person Updated	Name: MOORE, ELYSSE,, Location: <UNKNOWN>
01/10/2013 19:21:28	Edwards, Valentin A.	Person Updated	Name: MOORE, ELYSSE,, Location: <UNKNOWN>, Contact Phone: (510) [REDACTED]
01/10/2013 19:21:35	Edwards, Valentin A.	Person Updated	Name: MOORE, ELYSSE,, [REDACTED] Berkeley, Contact Phone: ([REDACTED]
01/10/2013 19:23:28	Edwards, Valentin A.	Narrative Added	SON: XAVIER MOORE BMA (TRANSGENDER) 41YRS 5'11, 400LB RP CONCERNED SUBJ IS ALSO SUICIDAL (UNK VIA WHAT)
01/10/2013 19:23:47	Edwards, Valentin A.	Narrative Added	SON CAN BECOME VIOLENT WHEN UPSET UNSURE IF HE WOULD BE THAT WAY WITH BPD
01/10/2013 19:24:01	Edwards, Valentin A.	Narrative Added	RP AND HUSBAND UNABLE TO CTC SON BY PHONE (NOT ANSWERING)
01/10/2013 19:25:01	Edwards, Valentin A.	Narrative Added	NAME OF ROOMATE: [REDACTED] POSS ALIAS) REAL NAME : JOHN HAYES POSS THIRD SUBJ LIVING THERE
01/10/2013 19:25:23	Edwards, Valentin A.	Narrative Added	ALL 3 SUBJ POSS ON DRUGS/ COCAINE AND HEROIN
01/10/2013 19:25:48	Edwards, Valentin A.	Narrative Added	SON 'S PH: [REDACTED] (NO ANSWER)
01/10/2013 19:26:17	Edwards, Valentin A.	Call Type	NewCallType: 1042, Status: In Progress, Priority: 2
01/10/2013 19:26:19	Edwards, Valentin A.	Call Ready for Dispatch	
01/10/2013 19:28:28	Querubin, Gloria M.	Incident Created	Added Incident Number, ORI: CA0010300, Number: 2013-00001815
01/10/2013 19:28:28	Querubin, Gloria M.	Unit Status Action	Unit 3A4 Dispatched
01/10/2013 19:28:28	Querubin, Gloria M.	Unit Status Action	Unit 3A18 Dispatched
01/10/2013 19:28:29	Querubin, Gloria M.	Unit Status Action	Unit 3A4 Enroute
01/10/2013 19:28:29	Querubin, Gloria M.	Unit Status Action	Unit 3A18 Enroute
01/10/2013 19:28:31	Galvan, Edward	Narrative Added	Dispatch received by unit 3A18
01/10/2013 19:30:15	Querubin, Gloria M.	Unit Status Action	Unit 3A4 On Scene
01/10/2013 19:34:02	Brown, Gwendolyn	Narrative Added	Dispatch received by unit 3A4
01/10/2013 19:40:29		Unit Timer Expired	Unit 3A18; Enroute
01/10/2013 19:41:09	Querubin, Gloria M.	Unit Status Action	Unit 3A18 On Scene
01/10/2013 19:52:39	Querubin, Gloria M.	Narrative Added	RING
01/10/2013 19:53:53	Brown, Gwendolyn	Call Updated	Dispositions Changed
01/10/2013 19:53:53	Brown, Gwendolyn	Unit Status Action	Unit 3A4 cleared from call
01/10/2013 19:55:21	Querubin, Gloria M.	Narrative Added	QOA, NO ANSWER AT THE DOOR
01/10/2013 19:55:28	Querubin, Gloria M.	Call Updated	Dispositions Changed
01/10/2013 19:55:28	Querubin, Gloria M.	Unit Status Action	Unit 3A18 cleared from call
01/10/2013 19:55:28	Querubin, Gloria M.	Call Cleared	
01/10/2013 19:55:28	Brown, Gwendolyn	Narrative Added	QOA. No answer at the door. Primary/No Paper.
01/10/2013 19:58:32	Edwards, Valentin A.	Call Reactivated	



Detail Call For Service Report

Login ID: ksmith

Print Date/Time: 03/05/2013 10:36

From CFS: 393
To CFS: 393
Layer: All

From Date: 01/10/2013 19:19
To Date: 01/10/2013 19:19
Areas: All

CFS Type: All
Agency Type:

CFS Number: 393 Call Date/Time: 01/10/2013 19:19:36 Primary Incident: 2013-00001815

Call Log

Log Date/Time	Entered By	Action	Description
01/10/2013 19:58:41	Edwards, Valentin A.	Unit Status Action	Unit 3A4 Dispatched
01/10/2013 19:58:44	Edwards, Valentin A.	Unit Status Action	Unit 3A4 On Scene
01/10/2013 19:58:53	Edwards, Valentin A.	Narrative Added	PH TO RP 654-9684
01/10/2013 20:14:42	Brown, Gwendolyn	Narrative Added	Dispatch received by unit 3A4
01/10/2013 20:17:24	Brown, Gwendolyn	Narrative Added	Spoke with RP via telephone, per her request, Information was provided. Primary/No Paper.
01/10/2013 20:18:01	Brown, Gwendolyn	Call Updated	Dispositions Changed
01/10/2013 20:18:01	Brown, Gwendolyn	Unit Status Action	Unit 3A4 cleared from call
01/10/2013 20:18:01	Brown, Gwendolyn	Call Cleared	



Detail Call For Service Report

Login ID: ksmith

Print Date/Time: 03/05/2013 10:36

From CFS: 393 From Date: 01/10/2013 19:19 CFS Type: All
To CFS: 393 To Date: 01/10/2013 19:19 Agency Type:
Layer: All Areas: All

CFS Number: 393 Call Date/Time: 01/10/2013 19:19:36 Primary Incident: 2013-00001815

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
01/10/2013 19:28:28	Querubin, Gloria M.	3A4	Dispatched	Unit Status Change		2116 ALLSTON WAY 514, Berkeley
01/10/2013 19:28:28	Querubin, Gloria M.	3A18	Dispatched	Unit Status Change		2116 ALLSTON WAY 514, Berkeley
01/10/2013 19:28:29	Querubin, Gloria M.	3A18	Enroute	Unit Status Change		
01/10/2013 19:28:29	Querubin, Gloria M.	3A4	Enroute	Unit Status Change		
01/10/2013 19:30:15	Querubin, Gloria M.	3A4	On Scene	Unit Status Change		
01/10/2013 19:40:29	default_nws	3A18	Enroute	Unit Timer Expired		2116 ALLSTON WAY 514, Berkeley
01/10/2013 19:41:09	Querubin, Gloria M.	3A18	On Scene	Unit Status Change		
01/10/2013 19:53:53	Brown, Gwendolyn	3A4	Available	Unit Status Change		
01/10/2013 19:53:53	Brown, Gwendolyn	3A4	Available	Unit Cleared	Unit cleared from call	
01/10/2013 19:53:53	Brown, Gwendolyn	3A4	On Scene	Disposition Added	Primary - No Paper	2116 ALLSTON WAY 514, Berkeley
01/10/2013 19:55:28	Querubin, Gloria M.	3A18	Available	Unit Status Change		
01/10/2013 19:55:28	Querubin, Gloria M.	3A18	Available	Unit Cleared	Unit cleared from call	
01/10/2013 19:58:41	Edwards, Valentin A.	3A4	Dispatched	Unit Status Change		2116 ALLSTON WAY 514, Berkeley
01/10/2013 19:58:44	Edwards, Valentin A.	3A4	On Scene	Unit Status Change		PHONES
01/10/2013 20:18:01	Brown, Gwendolyn	3A4	Available	Unit Status Change		
01/10/2013 20:18:01	Brown, Gwendolyn	3A4	Available	Unit Cleared	Unit cleared from call	
01/10/2013 20:18:01	Brown, Gwendolyn	3A4	On Scene	Disposition Added	Primary - No Paper	PHONES



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:53

From CFS: 981 From Date: 08/11/2012 16:55 CFS Type: All
To CFS: 981 To Date: 08/11/2012 16:55 Agency Type:
Layer: All Areas: All

CFS Number: 981 Call Date/Time: 08/11/2012 16:55:31 Primary Incident: 2012-00043466

Location: 1279 ALCATRAZ AVE BERKELEY, CA 94702 , Berkeley
Additnl Loc Info:
Common Name: ALCATRAZ FISH MARKET
Phone: [REDACTED] Nature Of Call:
Call Type: 5150 Report Required: No
Status: IN PROGRESS Priority: 2
Police ORI: CA0010300 EMS ORI:
Dispatch Time: 08/11/2012 16:59:39
Arrive Time: 08/11/2012 17:01:50
Clear Date/Time: 08/11/2012 17:47:34
Created By: Frost, Monique
Canceled: No
Source: 911 Call
Fire ORI: 01015

Person Information

Name	Person Type	Address	Phone	Race	Sex	DOB	Age	SSN
moore, xavier	REPORTING PARTY	[REDACTED] Berkeley						

Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
08/11/2012 16:55:31	Frost, Monique	E911 Info - Class of Service: BUSN Special Response Info: BERKELEY FIRE BERKELEY FIRE AMB
08/11/2012 16:57:52	Frost, Monique	Nature Of Call: self committ
08/11/2012 16:57:56	Frost, Monique	Nature Of Call: self comitt
08/11/2012 16:57:59	Frost, Monique	Nature Of Call: self commit
08/11/2012 16:59:10	Frost, Monique	...blk/german female 41, pink shirt, blk /whi pants initially said she needed an ambulance for hyperventilation and internal bleeding....when dispatch questioned how she knew she was bleeding internally....rp stated her blood was being poured out onto spacships
08/11/2012 16:59:15	Frost, Monique	????
08/11/2012 16:59:40	Collier, Jason	Dispatch received by unit 3A13
08/11/2012 16:59:40	Salazar, Miguel	Dispatch received by unit 3A11
08/11/2012 17:03:44	Johnson, Rayna T.	BFD FOR 5150 MEDICAL EVAL
08/11/2012 17:46:42	Collier, Jason	Aid to Paramedics Plus.

Dispositions

Disposition	Disposition Count
Assist	1
M	1



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:53

From CFS: 981 From Date: 08/11/2012 16:55 CFS Type: All
To CFS: 981 To Date: 08/11/2012 16:55 Agency Type:
Layer: All Areas: All

CFS Number: 981 Call Date/Time: 08/11/2012 16:55:31 Primary Incident: 2012-00043466

Associated Areas

Area Type Code	Description
Quadrant	003
Station	Sta 1
Beat	13S
District	
Police ORI	CA0010300
EMS ORI	
Fire ORI	01015

Incident Number(s)

Incident Number	ORI Number	Primary Unit	Department Name	Agency Type
2012-00043466	CA0010300	Yes	Berkeley Police Department	Police

Unit(s)

Unit	Primary Unit	Radio Number	Personnel
3A13	Yes	3A13	10906 Collier
3A11	No	3A11	11400 Salazar



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:53

From CFS: 981 From Date: 08/11/2012 16:55 CFS Type: All
To CFS: 981 To Date: 08/11/2012 16:55 Agency Type:
Layer: All Areas: All

CFS Number: 981 Call Date/Time: 08/11/2012 16:55:31 Primary Incident: 2012-00043466

Call Log

Log Date/Time	Entered By	Action	Description
08/11/2012 16:55:31	Frost, Monique	Call Created	New call created. Call Type: NEW, Location: 1279 ALCATRAZ AVE, Phone Number: [REDACTED] Name: A Z MARKET---
08/11/2012 16:55:31	Frost, Monique	Narrative Added	E911 Info - Class of Service: BUSN Special Response Info: BERKELEY FIRE BERKELEY FIRE AMB
08/11/2012 16:55:31	Frost, Monique	Person Added	Name: A Z MARKET---
08/11/2012 16:55:49	Frost, Monique	Call Type	NewCallType: MEDICAL, Status: In Progress, Priority: 1
08/11/2012 16:55:54	Frost, Monique	Person Updated	Name: moore,zavier,, Location: 1279 ALCATRAZ AVE, Contact Phone: [REDACTED]
08/11/2012 16:55:57	Frost, Monique	Person Updated	Name: moore,zavier,, Location: 1279 ALCATRAZ AVE, Contact Phone: [REDACTED]
08/11/2012 16:56:48		Call Timer Expired	Call Timer Expired
08/11/2012 16:57:43	Frost, Monique	Call Type	NewCallType: 5150, Status: In Progress, Priority: 2
08/11/2012 16:57:52	Frost, Monique	Call Updated	Nature of Call: self committ
08/11/2012 16:57:52	Frost, Monique	Narrative Added	Nature Of Call: self committ
08/11/2012 16:57:56	Frost, Monique	Call Updated	Nature of Call: self comitt
08/11/2012 16:57:56	Frost, Monique	Narrative Added	Nature Of Call: self comitt
08/11/2012 16:57:59	Frost, Monique	Call Updated	Nature of Call: self commit
08/11/2012 16:57:59	Frost, Monique	Narrative Added	Nature Of Call: self commit
08/11/2012 16:59:10	Frost, Monique	Narrative Added	...blk/german female 41, pink shirt, blk /whi pants initially said she needed an ambulance for hyperventillation and internal bleeding....when dispatch questioned how she knew she was bleeding in tern ...
08/11/2012 16:59:11	Frost, Monique	Call Ready for Dispatch	
08/11/2012 16:59:15	Frost, Monique	Narrative Added	???
08/11/2012 16:59:39	Johnson, Rayna T.	Incident Created	Added Incident Number, ORI: CA0010300, Number: 2012-00043466
08/11/2012 16:59:39	Johnson, Rayna T.	Unit Status Action	Unit 3A13 Dispatched
08/11/2012 16:59:39	Johnson, Rayna T.	Unit Status Action	Unit 3A11 Dispatched
08/11/2012 16:59:40	Collier, Jason	Narrative Added	Dispatch received by unit 3A13
08/11/2012 16:59:40	Salazar, Miguel	Narrative Added	Dispatch received by unit 3A11
08/11/2012 16:59:41	Johnson, Rayna T.	Unit Status Action	Unit 3A13 Enroute
08/11/2012 16:59:41	Johnson, Rayna T.	Unit Status Action	Unit 3A11 Enroute
08/11/2012 17:00:24	Frost, Monique	Person Updated	Name: moore,xavier,, Location: 1279 ALCATRAZ AVE, Contact Phone: [REDACTED]
08/11/2012 17:01:50	Johnson, Rayna T.	Unit Status Action	Unit 3A13 On Scene
08/11/2012 17:01:50	Johnson, Rayna T.	Unit Status Action	Unit 3A11 On Scene
08/11/2012 17:03:44	Johnson, Rayna T.	Narrative Added	BFD FOR 5150 MEDICAL EVAL
08/11/2012 17:46:42	Collier, Jason	Narrative Added	Aid to Paramedics Plus.
08/11/2012 17:46:49	Collier, Jason	Call Updated	Dispositions Changed
08/11/2012 17:46:49	Collier, Jason	Unit Status Action	Unit 3A13 cleared from call
08/11/2012 17:47:34	Salazar, Miguel	Call Updated	Dispositions Changed
08/11/2012 17:47:34	Salazar, Miguel	Unit Status Action	Unit 3A11 cleared from call



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:53

From CFS: 981
To CFS: 981
Layer: All

From Date: 08/11/2012 16:55
To Date: 08/11/2012 16:55
Areas: All

CFS Type: All
Agency Type:

CFS Number: 981 Call Date/Time: 08/11/2012 16:55:31 Primary Incident: 2012-00043466

Call Log

Log Date/Time	Entered By	Action	Description
08/11/2012 17:47:34	Salazar, Miguel	Call Updated	Dispositions Changed
08/11/2012 17:47:34	Salazar, Miguel	Call Cleared	

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
08/11/2012 16:59:39	Johnson, Rayna T.	3A13	Dispatched	Unit Status Change		1279 ALCATRAZ AVE, Berkeley
08/11/2012 16:59:39	Johnson, Rayna T.	3A11	Dispatched	Unit Status Change		1279 ALCATRAZ AVE, Berkeley
08/11/2012 16:59:41	Johnson, Rayna T.	3A11	Enroute	Unit Status Change		
08/11/2012 16:59:41	Johnson, Rayna T.	3A13	Enroute	Unit Status Change		
08/11/2012 17:01:50	Johnson, Rayna T.	3A13	On Scene	Unit Status Change		
08/11/2012 17:01:50	Johnson, Rayna T.	3A11	On Scene	Unit Status Change		
08/11/2012 17:46:49	Collier, Jason	3A13	On Scene	Disposition Added	Primary - No Paper	1279 ALCATRAZ AVE, Berkeley
08/11/2012 17:46:49	Collier, Jason	3A13	Available	Unit Cleared	Unit cleared from call	
08/11/2012 17:46:49	Collier, Jason	3A13	Available	Unit Status Change		
08/11/2012 17:47:34	Salazar, Miguel	3A11	On Scene	Disposition Added	Officer Assisted	1279 ALCATRAZ AVE, Berkeley
08/11/2012 17:47:34	Salazar, Miguel	3A11	Available	Unit Cleared	Unit cleared from call	
08/11/2012 17:47:34	Salazar, Miguel	3A11	Available	Unit Status Change		
08/11/2012 17:47:34	Salazar, Miguel	3A11	Available	Disposition Added	Officer Assisted	



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:55

From CFS: 880 From Date: 08/11/2012 11:13 CFS Type: All
To CFS: 880 To Date: 08/11/2012 11:13 Agency Type:
Layer: All Areas: All

CFS Number: 880 Call Date/Time: 08/11/2012 11:13:28 Primary Incident: 2012-00043461

Location: 1303 SIXTY-SIXTH ST BERKELEY, CA 94702 , Berkeley

Dispatch Time: 08/11/2012 16:48:12

Additnl Loc Info:

Arrive Time:

Common Name:

Clear Date/Time: 08/11/2012 16:56:47

Phone:

Nature Of Call:

Created By: Robinson, Carmen

Call Type: 415

Report Required: No

Canceled: No

Status: COLD REPORT

Priority: 4

Source: Telephone

Police ORI: CA0010300

EMS ORI:

Fire ORI: 01015

Person Information

Name	Person Type	Address	Phone	Race	Sex	DOB	Age	SSN
Moore, xavier	REPORTING PARTY	<UNKNOWN> , ,			Male	04/17/1971	41	

Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
08/11/2012 11:14:33	Robinson, Carmen	rp says she is being discharged from woodrow, and is having trouble retrieving her social security check from her step mother : Elise Page @ [REDACTED]
08/11/2012 11:17:28	Robinson, Carmen	rp has no phone, will call when she is @ a payphone close to [REDACTED] will be requesting a 1062b to get her check bk
08/11/2012 13:32:58	Robinson, Carmen	rp @ gas station for cntct with police, 1441 ashby ave
08/11/2012 13:33:54	Robinson, Carmen	rp is mixed race (blk/white), pink sweater, zebra striped pants
08/11/2012 13:35:52	Netz, Erin	Nature Of Call: 5150
08/11/2012 13:37:11	Netz, Erin	xavier moore pfn: ath177 04/17/1971
08/11/2012 13:39:07	Robinson, Carmen	Nature Of Call: 5150/personal cntct
08/11/2012 14:01:54	Smith, Shannon	2nd call for service
08/11/2012 14:07:27	Netz, Erin	per prior events, rp is a drug abuser, poss smokes crack , and has been to John George
08/11/2012 14:09:05	Netz, Erin	numerous 415 , 415f , and 5150 calls from 1303 66th st
08/11/2012 14:31:54	Smith, Shannon	3RD CALL FOR SERVICE
08/11/2012 14:35:50	Robinson, Carmen	rp will wait @ mabel/66th street
08/11/2012 15:45:52	Smith, Shannon	4TH CALL FOR SERVICE
08/11/2012 16:04:54	Robinson, Carmen	rp states she couldnt wait any longer, and she walked up to her parents house alone
08/11/2012 16:07:03	Robinson, Carmen	rp states her dad slammed the door in her face, and she is still waiting for service
08/11/2012 16:48:14	Collier, Jason	Dispatch received by unit 3A13
08/11/2012 16:48:20	Johnson, Rayna T.	C4
08/11/2012 16:48:56	Salazar, Miguel	Dispatch received by unit 3A11
08/11/2012 16:55:18	Collier, Jason	GOA. RP's father said Moore not allowed in his residence. Area check neg.
08/11/2012 16:56:12	Collier, Jason	RP GOA. Not at his parents' residence. Father stated he is no longer allowed there.



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:55

From CFS: 880
To CFS: 880
Layer: All

From Date: 08/11/2012 11:13
To Date: 08/11/2012 11:13
Areas: All

CFS Type: All
Agency Type:

CFS Number: 880

Call Date/Time: 08/11/2012 11:13:28

Primary Incident: 2012-00043461

Dispositions

Disposition	Disposition Count
Assist	1
M	2

Associated Areas

Area Type Code	Description
Quadrant	003
Station	Sta 1
Beat	13W
District	
Police ORI	CA0010300
EMS ORI	
Fire ORI	01015

Incident Number(s)

Incident Number	ORI Number	Primary Unit	Department Name	Agency Type
2012-00043461	CA0010300	Yes	Berkeley Police Department	Police

Unit(s)

Unit	Primary Unit	Radio Number	Personnel
3A13	Yes	3A13	10906 Collier
3A11	No	3A11	11400 Salazar



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:55

From CFS:	880	From Date:	08/11/2012 11:13	CFS Type:	All
To CFS:	880	To Date:	08/11/2012 11:13	Agency Type:	
Layer:	All	Areas:	All		
CFS Number:	880	Call Date/Time:	08/11/2012 11:13:28	Primary Incident:	2012-00043461

Call Log

Log Date/Time	Entered By	Action	Description
08/11/2012 11:13:28	Robinson, Carmen	Call Created	New call created. Call Type: NEW, Location: , Phone Number: , Name:
08/11/2012 11:13:29	Robinson, Carmen	Person Added	Name:
08/11/2012 11:14:33	Robinson, Carmen	Narrative Added	rp says she is being discharged from woodrow, and is having trouble retrieving her social security check from her step mother : Elise Page @ [REDACTED]
08/11/2012 11:14:46	Robinson, Carmen	Call Type	NewCallType: ADVICE, Status: Cold Report, Priority: 4
08/11/2012 11:14:50	Robinson, Carmen	Person Updated	Name: Moore,xavier,, Location: <UNKNOWN>
08/11/2012 11:17:28	Robinson, Carmen	Narrative Added	rp has no phone, will call when she is @ a payphone close to street, will be requesting a 1062b to get her check bk [REDACTED]
08/11/2012 11:17:38	Robinson, Carmen	Location	Location: [REDACTED] Venue: Berkeley
08/11/2012 11:17:45	Robinson, Carmen	Call Type	NewCallType: 1062B, Status: In Progress, Priority: 3
08/11/2012 11:17:52	Robinson, Carmen	Call Updated	Dispositions Changed
08/11/2012 11:17:52	Robinson, Carmen	Call Cancelled	
08/11/2012 11:17:56	Robinson, Carmen	Call Ready for Dispatch	
08/11/2012 13:32:13	Robinson, Carmen	Call Reactivated-closed in error	
08/11/2012 13:32:58	Robinson, Carmen	Narrative Added	rp @ gas station for cntct with police, 1441 ashby ave
08/11/2012 13:33:52	Robinson, Carmen	Person Updated	Name: Moore,xavier,, Location: <UNKNOWN>
08/11/2012 13:33:54	Robinson, Carmen	Narrative Added	rp is mixed race (blk/white), pink sweater, zebra striped pants
08/11/2012 13:35:52	Netz, Erin	Call Updated	Nature of Call: 5150
08/11/2012 13:35:52	Netz, Erin	Narrative Added	Nature Of Call: 5150
08/11/2012 13:37:11	Netz, Erin	Narrative Added	xavier moore pfn: ath177 04/17/1971
08/11/2012 13:38:53	Robinson, Carmen	Call Type	NewCallType: ADVICE, Status: Cold Report, Priority: 4
08/11/2012 13:39:07	Robinson, Carmen	Call Updated	Nature of Call: 5150/personal cntct
08/11/2012 13:39:07	Robinson, Carmen	Narrative Added	Nature Of Call: 5150/personal cntct
08/11/2012 13:39:14	Robinson, Carmen	Location	Location: 1441 ASHBY AVE, Venue: Berkeley
08/11/2012 14:01:54	Smith, Shannon	Narrative Added	2nd call for service
08/11/2012 14:07:27	Netz, Erin	Narrative Added	per prior events, rp is a drug abuser, poss smokes crack , and has been to John George
08/11/2012 14:07:52	Netz, Erin	Alerts Accessed	Clicked Alert Icon: Location ALERT: Prior Incident
08/11/2012 14:09:05	Netz, Erin	Narrative Added	numerous 415 , 415f , and 5150 calls from [REDACTED]
08/11/2012 14:31:54	Smith, Shannon	Narrative Added	3RD CALL FOR SERVICE
08/11/2012 14:34:51	Robinson, Carmen	Location	Location: [REDACTED] Venue: Berkeley
08/11/2012 14:35:50	Robinson, Carmen	Narrative Added	rp will wait @ mabel/66th street
08/11/2012 15:08:54		Call Timer Expired	Call Timer Expired
08/11/2012 15:28:28	Murray, Sarah	Alerts Accessed	Clicked Alert Icon: Location ALERT: Prior Incident
08/11/2012 15:29:15	Murray, Sarah	Alerts Accessed	Clicked Alert Icon: Location ALERT: Prior Incident
08/11/2012 15:29:18	Murray, Sarah	Alerts Accessed	Clicked Alert Icon: Location ALERT: Prior Incident
08/11/2012 15:33:16	Murray, Sarah	Person Updated	Name: Moore,xavier,, Location: <UNKNOWN>



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:55

From CFS: 880
To CFS: 880
Layer: All

From Date: 08/11/2012 11:13
To Date: 08/11/2012 11:13
Areas: All

CFS Type: All
Agency Type:

CFS Number: 880 Call Date/Time: 08/11/2012 11:13:28 Primary Incident: 2012-00043461

Call Log

Log Date/Time	Entered By	Action	Description
08/11/2012 15:45:52	Smith, Shannon	Narrative Added	4TH CALL FOR SERVICE
08/11/2012 16:04:54	Robinson, Carmen	Narrative Added	rp states she couldnt wait any longer, and she walked up to her parents house alone
08/11/2012 16:07:03	Robinson, Carmen	Narrative Added	rp states her dad slammed the door in her face, and she is still waiting for service
08/11/2012 16:16:16	Robinson, Carmen	Call Type	NewCallType: 415, Status: In Progress, Priority: 2
08/11/2012 16:16:18	Robinson, Carmen	Call Updated	Progress: COLD REPORT, Priority: 4
08/11/2012 16:48:12	Johnson, Rayna T.	Incident Created	Added Incident Number, ORI: CA0010300, Number: 2012-00043461
08/11/2012 16:48:12	Johnson, Rayna T.	Unit Status Action	Unit 3A13 Dispatched
08/11/2012 16:48:12	Johnson, Rayna T.	Unit Status Action	Unit 3A11 Dispatched
08/11/2012 16:48:14	Collier, Jason	Narrative Added	Dispatch received by unit 3A13
08/11/2012 16:48:17	Johnson, Rayna T.	Unit Status Action	Unit 3A11 Enroute
08/11/2012 16:48:17	Johnson, Rayna T.	Unit Status Action	Unit 3A13 Enroute
08/11/2012 16:48:20	Johnson, Rayna T.	Narrative Added	C4
08/11/2012 16:48:56	Salazar, Miguel	Narrative Added	Dispatch received by unit 3A11
08/11/2012 16:55:18	Collier, Jason	Narrative Added	GOA. RP's father said Moore not allowed in his residence. Area check neg.
08/11/2012 16:56:10	Salazar, Miguel	Call Updated	Dispositions Changed
08/11/2012 16:56:10	Salazar, Miguel	Unit Status Action	Unit 3A11 cleared from call
08/11/2012 16:56:12	Collier, Jason	Narrative Added	RP GOA. Not at his parents' residence. Father stated he is no longer allowed there.
08/11/2012 16:56:47	Collier, Jason	Call Updated	Dispositions Changed
08/11/2012 16:56:47	Collier, Jason	Unit Status Action	Unit 3A13 cleared from call
08/11/2012 16:56:47	Collier, Jason	Call Updated	Dispositions Changed
08/11/2012 16:56:47	Collier, Jason	Call Cleared	



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:55

From CFS: 880
To CFS: 880
Layer: All

From Date: 08/11/2012 11:13
To Date: 08/11/2012 11:13
Areas: All

CFS Type: All
Agency Type:

CFS Number: 880 Call Date/Time: 08/11/2012 11:13:28 Primary Incident: 2012-00043461

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
08/11/2012 16:48:12	Johnson, Rayna T.	3A13	Dispatched	Unit Status Change		1303 SIXTY-SIXTH ST, Berkeley
08/11/2012 16:48:12	Johnson, Rayna T.	3A11	Dispatched	Unit Status Change		1303 SIXTY-SIXTH ST, Berkeley
08/11/2012 16:48:17	Johnson, Rayna T.	3A13	Enroute	Unit Status Change		
08/11/2012 16:48:17	Johnson, Rayna T.	3A11	Enroute	Unit Status Change		
08/11/2012 16:56:10	Salazar, Miguel	3A11	Enroute	Disposition Added	Officer Assisted	1303 SIXTY-SIXTH ST, Berkeley
08/11/2012 16:56:10	Salazar, Miguel	3A11	Available	Unit Cleared	Unit cleared from call	
08/11/2012 16:56:10	Salazar, Miguel	3A11	Available	Unit Status Change		
08/11/2012 16:56:47	Collier, Jason	3A13	Enroute	Disposition Added	Primary - No Paper	1303 SIXTY-SIXTH ST, Berkeley
08/11/2012 16:56:47	Collier, Jason	3A13	Available	Unit Cleared	Unit cleared from call	
08/11/2012 16:56:47	Collier, Jason	3A13	Available	Unit Status Change		
08/11/2012 16:56:47	Collier, Jason	3A13	Available	Disposition Added	Primary - No Paper	



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:55

From CFS:	880	From Date:	08/11/2012 11:13	CFS Type:	All
To CFS:	880	To Date:	08/11/2012 11:13	Agency Type:	
Layer:	All	Areas:	All		
CFS Number:	880	Call Date/Time:	08/11/2012 11:13:28	Primary Incident:	2012-00043461

NCIC Messages

NCIC Message Time NCIC Message

08/11/2012 15:33 N75600103DUZI 00000322
*LEW\NAME\INQWI=S\STK=A\NAME=MOORE,XAVIER\DOB=04171971\SEX=M\UID=*SMURRAY LEWI AWS
PROD (Q,P) AWS: WARRANT INQUIRY 08/11/12 15:33
MSG:NO INFORMATION FOUND ON AWS - REQUEST SENT TO CLETS
##END: OF AWS RESPONSE #

08/11/2012 15:33 N75600103DUZI 000006133 *081112 1533
IN DUZI

DATE:08-11-12*TIME:15:33*
MATCHED ON:*L/N*F/N* BD
DMV RECORD FOR LAW ENFORCEMENT USE ONLY
DL/NO: [REDACTED] B/D:04-17-1971*NAME:MOORE XAVIER CHRISTOPHER*
MAIL ADDR AS OF 06-05-12: [REDACTED]
RES/ADDR: [REDACTED]
OTH/ADDR AS OF 05-31- [REDACTED]
IDENTIFYING INFORMATION:
SEX:MALE*HAIR:BROWN*EYES:BRN*HT:5-08*WT:275*
ID CARD MLD:06-18-12*EXPIRES:04-17-18*BATES:LIS*
ORGAN AND TISSUE DONOR: NO UPDATED:06-05-12
LICENSE STATUS:
NONE ISSUED*
DEPARTMENTAL ACTIONS:
NONE
CONVICTIONS:
NONE
FAILURES TO APPEAR:
NONE
ACCIDENTS:
NONE
END

08/11/2012 15:33 N75600103DUZI 000002193 *081112 1533
IM DUZI
MPS INQUIRY
MISSING PERSON
DATE:2012-08-11 TIME:15:33:17
RE:QM.CA0010300.MOORE,XAVIER.M.DOB/19710417
*** NO MATCH ON NAM FIELD ***
*** CHECKING NCIC ***
***** END OF MPS MESSAGE *****

08/11/2012 15:33 N75600103DUZI 000001593 *081112 1533
IJ DUZI
1L01
CA0010300
NO NCIC WANT NAM/MOORE,XAVIER DOB/19710417 SEX/M
***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:55

From CFS: 880 From Date: 08/11/2012 11:13 CFS Type: All
To CFS: 880 To Date: 08/11/2012 11:13 Agency Type:
Layer: All Areas: All

CFS Number: 880 Call Date/Time: 08/11/2012 11:13:28 Primary Incident: 2012-00043461

08/11/2012 15:33 N75600103DUZI 000005333 ^081112 1533
IW DUZI
CA0010300 RE: QW.CA0010300.NAM/MOORE,XAVIER.
MATCH MADE ON NAM/MORA,JAVIER
NAME FIELD SEARCH REVEALS:
WPS HIT # 001
HIT MADE ON NAM/MORA,JAVIER
ORI/CA0190040 FCN/2320518602799
MISDEMEANOR WARRANT: DO NOT ARREST/BOOK BASED ON THIS WARRANT
NAM/MORA,JAVIER 19701108 M H 508 160 BLK XXX
DOW/20050705 WNO/91064VT19990 TOW/MISD ENT/4
OFF/5499 TRAFFIC
BAIL/1,366
NOA/N
IMMEDIATELY CONFIRM WITH CA0190040 LASD WARRANTS MNE/WRL0
TELEPHONE 562 345-4457
***** END OF WPS MESSAGE *****

08/11/2012 15:33 N75600103DUZI 000002103 ^081112 1533
IR DUZI
CA0010300 RE: QVC.CA0010300.NAM/MOORE,XAVIER.SEX/M.DOB/19710417
NO MATCH NAM FIELD
NO SUPERVISED RELEASE RECORDS
CHECKING NCIC
***** END OF SUPERVISED RELEASE FILE MESSAGE *****

08/11/2012 15:33 N75600103DUZI 000002073 ^081112 1533
IX DUZI
CA0010300 RE: QSA.CA0010300.MOORE,XAVIER.M.DOB/19710417
NAME FIELD SEARCH REVEALS:
** NO HITS ON SEX/ARSON REGISTRATION **
***** END OF SAR MESSAGE *****



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:55

From CFS: 880 From Date: 08/11/2012 11:13 CFS Type: All
To CFS: 880 To Date: 08/11/2012 11:13 Agency Type:
Layer: All Areas: All

CFS Number: 880 Call Date/Time: 08/11/2012 11:13:28 Primary Incident: 2012-00043461

08/11/2012 15:33 N75600103DUZI 000017483 *081112 1533
IB DUZI
8AYX.CA0010300
RE: QRR.CA0010300.NAM/MOORE,XAVIER.SEX/M.DOB/19710417
MATCH MADE ON
NAM/MOORE,XAVIER
NAME FIELD SEARCH REVEALS:
CARPOS HIT # 001
HIT MADE ON
AKA/MORA,JAVIER
FCN/2440926502851
ORI/CA0191200
OCA/098591
NIC/H773904593
*** SERVED CRIMINAL PROTECTIVE ORDER ***
DO NOT ARREST OR DETAIN BASED SOLELY ON THIS RESPONSE
THIS RESTRAINING ORDER RESPONSE MAY BE THE SAME AS:
***** RESTRAINED PERSON INFORMATION *****
SEX/M RAC/H HGT/506 WGT/148 EYE/GRN HAI/BLK
AKA/MORA GARCIA,JAVIER GARCIA,JAVIER
MORA JAVIER ESCOBAR CARLOS G ALATORRE
FBI/837654ED3
***** PROTECTED PERSON INFORMATION *****
PROTECTED PERSON NAME/
PROTECTED PERSON SEX/F PROTECTED PERSON RACE/H
PROTECTED PERSON DOB
***** COURT INFORMATION *****
RESTRAINED PERSON PRESENT IN COURT/YES
COURT NAME/LOS ANGELES COUNTY SUPERIOR-NORTH CENTRAL DIST (BURBANK)
COURT PHONE NUMBER/(818) 557-3482
COURT CASE NUMBER
ISSUE DATE/20101209 EXPIRATION DATE/20131209STATE OF ISSUANCE/CA
CONTACT PROTECTED PERSON/YES - THE RESTRAINED PERSON CAN CONTACT THE
PROTECTED PERSON
FIREARM PROVISIONS/CANNOT PURCHASE OR RECEIVE AND MUST SURRENDER ALL
FIREARMS
OTHER ORDERS/RP MUST NOT HARASS STRIKE THREATEN ASSAULT SEXUALLY OR
OTHERWISE FOLLOW STALK MOLEST DESTROY OR DAMAGE PERSONAL OR REAL
PROPERTY DISTURBTHE PEACE KEEP UNDER SURVEILLANCE OR BLOCK MOVEMENTS OF
PP
IMMEDIATELY CONFIRM WITH CA0191200 BURBANK PD BUR0
TELEPHONE 818 238-3140
***** VIOLATION MESSAGE *****
NUMBER OF PRIOR VIOLATION MSG/000
***** END OF CARPOS MESSAGE *****

08/11/2012 15:33 N75600103DUZI 000001593 *081112 1533
IJ DUZI
1L01
CA0010300
NO NCIC WANT NAM/M00RE,XAVIER D0B/19710417 SEX/M
***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:56

From CFS: 577 From Date: 08/07/2012 15:58 CFS Type: All
To CFS: 577 To Date: 08/07/2012 15:58 Agency Type:
Layer: All Areas: All

CFS Number: 577 Call Date/Time: 08/07/2012 15:58:47 Primary Incident: 2012-00042583

Location: 1303 SIXTY-SIXTH ST BERKELEY, CA 94702, Berkeley

Additnl Loc Info:

Common Name:

Phone:

Call Type: 415

Status: IN PROGRESS

Police ORI: CA0010300

Nature Of Call:

Report Required: No

Priority: 2

EMS ORI:

Dispatch Time: 08/07/2012 16:02:37

Arrive Time: 08/07/2012 16:09:33

Clear Date/Time: 08/07/2012 19:12:11

Created By: Shaul, Tracy S.

Canceled: No

Source: 911 Call

Fire ORI: 01015

Person Information

Name	Person Type	Address	Phone	Race	Sex	DOB	Age	SSN
Moore, Xavier	INVOLVED PARTY				Male	04/17/1971	41	
PAIGE, ELYSSE CMCST	REPORTING PARTY							

Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
08/07/2012 15:58:47	Shaul, Tracy S.	E911 Info - Class of Service: VOIP Special Response Info: BERKELEY FIRE BERKELEY FIRE AMB
08/07/2012 16:00:35	Shaul, Tracy S.	RESP: XAVIER MOORE, BMA,41, TRANSGENDERED MALE ACTING OUT, SEVERAL PE'S FOR 5150 FOR RESP
08/07/2012 16:00:42	Shaul, Tracy S.	Nature Of Call: WITH 5150
08/07/2012 16:00:57	Shaul, Tracy S.	FATHER: [REDACTED]
08/07/2012 16:01:35	Shaul, Tracy S.	RP /FATHER : [REDACTED] STATES HE CANT REALLY GO INTO DETAILS BECAUSE RESP IS ON THE OTHER LINE
08/07/2012 16:01:49	Shaul, Tracy S.	RESP: MAD OVER SHOPPING MONEY
08/07/2012 16:01:51	Shaul, Tracy S.	NFD
08/07/2012 16:02:29	Shaul, Tracy S.	RESP;510, 400 LBS, UNK CLOTHING
08/07/2012 16:02:39	Fleming, Steven	Dispatch received by unit 7A11
08/07/2012 16:02:42	Kleppe, Kevin W.	Dispatch received by unit 7A15
08/07/2012 16:03:30	Tu, Kenneth	Dispatch received by unit 7A17
08/07/2012 16:32:56	Kwong, Jennie M.	C4
08/07/2012 16:36:50	Phillips, Amber	Dispatch received by unit S17
08/07/2012 16:51:55	Tan, Eduardo J.	bfd for 5150 eval
08/07/2012 16:52:48	Lee, Susan S.	Dispatch received by unit 7A13
08/07/2012 17:14:00	Lee, Susan S.	Moore was placed on a W&I 5150 hold by MH.
08/07/2012 19:12:07	Lee, Susan S.	Dispatch received by unit 7A13

Dispositions

Disposition	Disposition Count
M	2



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:56

From CFS: 577 From Date: 08/07/2012 15:58 CFS Type: All
To CFS: 577 To Date: 08/07/2012 15:58 Agency Type:
Layer: All Areas: All

CFS Number: 577 Call Date/Time: 08/07/2012 15:58:47 Primary Incident: 2012-00042583

Associated Areas

Area Type Code	Description
Quadrant	003
Station	Sta 1
Beat	13W
District	
Police ORI	CA0010300
EMS ORI	
Fire ORI	01015

Incident Number(s)

Incident Number	ORI Number	Primary Unit	Department Name	Agency Type
2012-00042583	CA0010300	No	Berkeley Police Department	Police

Unit(s)

Unit	Primary Unit	Radio Number	Personnel
MH11	No	MH11	
7A17	No	7A17	09123 Tu
7A15	No	7A15	11113 Kleppe
7A13	No	7A13	09282 Lee
7A11	No	7A11	07446 Fleming
S17	No	S17	08180 Phillips



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:56

From CFS:	577	From Date:	08/07/2012 15:58	CFS Type:	All
To CFS:	577	To Date:	08/07/2012 15:58	Agency Type:	
Layer:	All	Areas:	All		
CFS Number:	577	Call Date/Time:	08/07/2012 15:58:47	Primary Incident:	2012-00042583

Call Log

Log Date/Time	Entered By	Action	Description
08/07/2012 15:58:47	Shaul, Tracy S.	Call Created	New call created. Call Type: NEW, Location: 1303 66TH, Phone Number: [REDACTED] Name: PAIGE, ELYSSE CMCST
08/07/2012 15:58:47	Shaul, Tracy S.	Narrative Added	E911 Info - Class of Service: VOIP Special Response Info: BERKELEY FIRE BERKELEY FIRE AMB
08/07/2012 15:58:47	Shaul, Tracy S.	Person Added	Name: PAIGE, ELYSSE CMCST
08/07/2012 15:58:53	Shaul, Tracy S.	Location	Location: 1303 SIXTY-SIXTH ST, Venue: Berkeley
08/07/2012 15:58:55	Shaul, Tracy S.	Alerts Accessed	Clicked Alert Icon: Location ALERT: Prior Incident
08/07/2012 16:00:35	Shaul, Tracy S.	Narrative Added	RESP: XAVIER MOORE, BMA,41, TRANSGENDERED MALE ACTING OUT, SEVERAL PE'S FOR 5150 FOR RESP
08/07/2012 16:00:39	Shaul, Tracy S.	Call Type	NewCallType: 415, Status: In Progress, Priority: 2
08/07/2012 16:00:42	Shaul, Tracy S.	Call Updated	Nature of Call: WITH 5150
08/07/2012 16:00:42	Shaul, Tracy S.	Narrative Added	Nature Of Call: WITH 5150
08/07/2012 16:00:44	Shaul, Tracy S.	Call Ready for Dispatch	
08/07/2012 16:00:57	Shaul, Tracy S.	Narrative Added	FATHER: ARTHUR MOORE
08/07/2012 16:01:35	Shaul, Tracy S.	Narrative Added	RP /FATHER : [REDACTED] STATES HE CANT REALLY GO INTO DETAILS BECAUSE RESP IS ON THE OTHER LINE
08/07/2012 16:01:49	Shaul, Tracy S.	Narrative Added	RESP: MAD OVER SHOPPING MONEY
08/07/2012 16:01:51	Shaul, Tracy S.	Narrative Added	NFD
08/07/2012 16:02:29	Shaul, Tracy S.	Narrative Added	RESP;510, 400 LBS, UNK CLOTHING
08/07/2012 16:02:37	Tan, Eduardo J.	Incident Created	Added Incident Number, ORI: CA0010300, Number: 2012-00042583
08/07/2012 16:02:37	Tan, Eduardo J.	Unit Status Action	Unit 7A11 Dispatched
08/07/2012 16:02:37	Tan, Eduardo J.	Unit Status Action	Unit 7A15 Dispatched
08/07/2012 16:02:39	Fleming, Steven	Narrative Added	Dispatch received by unit 7A11
08/07/2012 16:02:42	Kleppe, Kevin W.	Narrative Added	Dispatch received by unit 7A15
08/07/2012 16:03:06	Tan, Eduardo J.	Person Updated	Name: PAIGE, ELYSSE, CMCST, Location: 1303 66TH, Venue: <No Venue>, Contact Phone: [REDACTED]
08/07/2012 16:03:06	Shaul, Tracy S.	Alerts Accessed	Viewed All Alerts (Excluding Prior Incidents)
08/07/2012 16:03:10	Tan, Eduardo J.	Unit Status Action	Unit 7A11 Enroute
08/07/2012 16:03:14	Tan, Eduardo J.	Unit Status Action	Unit 7A15 Enroute
08/07/2012 16:03:28	Tan, Eduardo J.	Unit Status Action	Unit 7A17 Dispatched
08/07/2012 16:03:30	Tu, Kenneth	Narrative Added	Dispatch received by unit 7A17
08/07/2012 16:03:31	Tan, Eduardo J.	Unit Status Action	Unit 7A17 Enroute
08/07/2012 16:04:42	Tan, Eduardo J.	Unit Status Action	Unit MH11 Dispatched
08/07/2012 16:04:53	Tan, Eduardo J.	Unit Status Action	Unit MH11 Enroute
08/07/2012 16:09:33	Tan, Eduardo J.	Unit Status Action	Unit 7A15 On Scene
08/07/2012 16:15:10		Unit Timer Expired	Unit 7A11;Enroute
08/07/2012 16:15:31		Unit Timer Expired	Unit 7A17;Enroute
08/07/2012 16:16:52		Unit Timer Expired	Unit MH11;Enroute
08/07/2012 16:32:56	Kwong, Jennie M.	Narrative Added	C4



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:56

From CFS: 577
To CFS: 577
Layer: All

From Date: 08/07/2012 15:58
To Date: 08/07/2012 15:58
Areas: All

CFS Type: All
Agency Type:

CFS Number: 577 Call Date/Time: 08/07/2012 15:58:47 Primary Incident: 2012-00042583

Call Log

Log Date/Time	Entered By	Action	Description
08/07/2012 16:36:49	Kwong, Jennie M.	Unit Status Action	Unit S17 Dispatched
08/07/2012 16:36:50	Phillips, Amber	Narrative Added	Dispatch received by unit S17
08/07/2012 16:36:52	Kwong, Jennie M.	Unit Status Action	Unit S17 Enroute
08/07/2012 16:48:52		Unit Timer Expired	Unit S17;Enroute
08/07/2012 16:51:42	Tan, Eduardo J.	Unit Status Action	Unit 7A11 On Scene
08/07/2012 16:51:55	Tan, Eduardo J.	Narrative Added	bfd for 5150 eval
08/07/2012 16:52:44	Tan, Eduardo J.	Unit Status Action	Unit 7A13 Dispatched
08/07/2012 16:52:48	Lee, Susan S.	Narrative Added	Dispatch received by unit 7A13
08/07/2012 16:52:53	Tan, Eduardo J.	Unit Status Action	Unit 7A13 On Scene
08/07/2012 16:52:57	Tan, Eduardo J.	Unit Status Action	Unit 7A17 On Scene
08/07/2012 16:53:24	Lee, Susan S.	Unit Status Action	Unit 7A13 Enroute
08/07/2012 16:53:35	Lee, Susan S.	Unit Status Action	Unit 7A13 On Scene
08/07/2012 16:56:24	Tan, Eduardo J.	Unit Status Action	Unit 7A15 cleared from call
08/07/2012 16:56:57	Tan, Eduardo J.	Unit Status Action	Unit 7A17 cleared from call
08/07/2012 17:14:00	Lee, Susan S.	Narrative Added	Moore was placed on a W&I 5150 hold by MH.
08/07/2012 17:14:17	Lee, Susan S.	Person Added	Name: Moore, Xavier, Sex: Male, DOB: 04/17/1971, Type: INVOLVED PARTY
08/07/2012 17:14:36	Lee, Susan S.	Call Updated	Dispositions Changed
08/07/2012 17:14:36	Lee, Susan S.	Unit Status Action	Unit 7A13 cleared from call
08/07/2012 17:15:03	Tan, Eduardo J.	Unit Status Action	Unit 7A11 cleared from call
08/07/2012 17:19:31	Tan, Eduardo J.	Unit Status Action	Unit S17 On Scene
08/07/2012 17:25:43	Phillips, Amber	Unit Status Action	Unit S17 rerouted to call 586
08/07/2012 18:37:34	Tan, Eduardo J.	Unit Status Action	Unit MH11 rerouted to call 639
08/07/2012 19:12:05	Lee, Susan S.	Unit Status Action	Unit 7A13 Dispatched
08/07/2012 19:12:07	Lee, Susan S.	Narrative Added	Dispatch received by unit 7A13
08/07/2012 19:12:11	Lee, Susan S.	Call Updated	Dispositions Changed
08/07/2012 19:12:11	Lee, Susan S.	Unit Status Action	Unit 7A13 cleared from call
08/07/2012 19:12:11	Lee, Susan S.	Call Cleared	



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:56

From CFS: 577 From Date: 08/07/2012 15:58 CFS Type: All
To CFS: 577 To Date: 08/07/2012 15:58 Agency Type:
Layer: All Areas: All

CFS Number: 577 Call Date/Time: 08/07/2012 15:58:47 Primary Incident: 2012-00042583

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
08/07/2012 16:02:37	Tan, Eduardo J.	7A15	Dispatched	Unit Status Change		1303 SIXTY-SIXTH ST, Berkeley
08/07/2012 16:02:37	Tan, Eduardo J.	7A11	Dispatched	Unit Status Change		1303 SIXTY-SIXTH ST, Berkeley
08/07/2012 16:03:10	Tan, Eduardo J.	7A11	Enroute	Unit Status Change		
08/07/2012 16:03:14	Tan, Eduardo J.	7A15	Enroute	Unit Status Change		
08/07/2012 16:03:28	Tan, Eduardo J.	7A17	Dispatched	Unit Status Change		1303 SIXTY-SIXTH ST, Berkeley
08/07/2012 16:03:31	Tan, Eduardo J.	7A17	Enroute	Unit Status Change		
08/07/2012 16:04:42	Tan, Eduardo J.	MH11	Dispatched	Unit Status Change		1303 SIXTY-SIXTH ST, Berkeley
08/07/2012 16:04:53	Tan, Eduardo J.	MH11	Enroute	Unit Status Change		
08/07/2012 16:09:33	Tan, Eduardo J.	7A15	On Scene	Unit Status Change		
08/07/2012 16:15:10	default_nws	7A11	Enroute	Unit Timer Expired		1303 SIXTY-SIXTH ST, Berkeley
08/07/2012 16:15:31	default_nws	7A17	Enroute	Unit Timer Expired		1303 SIXTY-SIXTH ST, Berkeley
08/07/2012 16:16:52	default_nws	MH11	Enroute	Unit Timer Expired		1303 SIXTY-SIXTH ST, Berkeley
08/07/2012 16:36:49	Kwong, Jennie M.	S17	Dispatched	Unit Status Change		1303 SIXTY-SIXTH ST, Berkeley
08/07/2012 16:36:52	Kwong, Jennie M.	S17	Enroute	Unit Status Change		
08/07/2012 16:48:52	default_nws	S17	Enroute	Unit Timer Expired		1303 SIXTY-SIXTH ST, Berkeley
08/07/2012 16:51:42	Tan, Eduardo J.	7A11	On Scene	Unit Status Change		
08/07/2012 16:52:44	Tan, Eduardo J.	7A13	Dispatched	Unit Status Change		1303 SIXTY-SIXTH ST, Berkeley
08/07/2012 16:52:53	Tan, Eduardo J.	7A13	On Scene	Unit Status Change		
08/07/2012 16:52:57	Tan, Eduardo J.	7A17	On Scene	Unit Status Change		
08/07/2012 16:53:24	Lee, Susan S.	7A13	Enroute	Unit Status Change		



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:56

From CFS: 577
To CFS: 577
Layer: All

From Date: 08/07/2012 15:58
To Date: 08/07/2012 15:58
Areas: All

CFS Type: All
Agency Type:

CFS Number: 577 Call Date/Time: 08/07/2012 15:58:47 Primary Incident: 2012-00042583

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
08/07/2012 16:53:35	Lee, Susan S.	7A13	On Scene	Unit Status Change		
08/07/2012 16:56:24	Tan, Eduardo J.	7A15	Available	Unit Cleared	Unit cleared from call	
08/07/2012 16:56:24	Tan, Eduardo J.	7A15	Available	Unit Status Change		
08/07/2012 16:56:57	Tan, Eduardo J.	7A17	Available	Unit Cleared	Unit cleared from call	
08/07/2012 16:56:57	Tan, Eduardo J.	7A17	Available	Unit Status Change		
08/07/2012 17:14:36	Lee, Susan S.	7A13	On Scene	Disposition Added	Primary - No Paper	1303 SIXTY-SIXTH ST, Berkeley
08/07/2012 17:14:36	Lee, Susan S.	7A13	Available	Unit Cleared	Unit cleared from call	
08/07/2012 17:14:36	Lee, Susan S.	7A13	Available	Unit Status Change		
08/07/2012 17:15:03	Tan, Eduardo J.	7A11	Available	Unit Cleared	Unit cleared from call	
08/07/2012 17:15:03	Tan, Eduardo J.	7A11	Available	Unit Status Change		
08/07/2012 17:19:31	Tan, Eduardo J.	S17	On Scene	Unit Status Change		
08/07/2012 17:25:43	Phillips, Amber	S17	Available	Unit Cleared	Unit cleared from call	
08/07/2012 18:37:34	Tan, Eduardo J.	MH11	Available	Unit Cleared	Unit cleared from call	
08/07/2012 19:12:05	Lee, Susan S.	7A13	Dispatched	Unit Status Change		1303 SIXTY-SIXTH ST, Berkeley
08/07/2012 19:12:11	Lee, Susan S.	7A13	Dispatched	Disposition Added	Primary - No Paper	1303 SIXTY-SIXTH ST, Berkeley
08/07/2012 19:12:11	Lee, Susan S.	7A13	Available	Unit Cleared	Unit cleared from call	
08/07/2012 19:12:11	Lee, Susan S.	7A13	Available	Unit Status Change		



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:58

From CFS: 99 From Date: 07/18/2012 12:15 CFS Type: All
To CFS: 99 To Date: 07/18/2012 12:15 Agency Type:
Layer: All Areas: All

CFS Number: 99 Call Date/Time: 07/18/2012 12:15:29 Primary Incident: 2012-00038545

Location: 1303 SIXTY-SIXTH ST BERKELEY, CA 94702 , Berkeley

Additnl Loc Info:

Common Name:

Phone:

Call Type: 5150

Status: IN PROGRESS

Police ORI: CA0010300

Nature Of Call:

Report Required: No

Priority: 2

EMS ORI:

Dispatch Time: 07/18/2012 12:44:48

Arrive Time: 07/18/2012 13:42:05

Clear Date/Time: 07/18/2012 14:35:16

Created By: Egbert, Neil

Canceled: No

Source: Telephone

Fire ORI: 01015

Person Information

Name	Person Type	Address	Phone	Race	Sex	DOB	Age	SSN
moore, xavier	REPORTING PARTY	<UNKNOWN>						

Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
07/18/2012 12:16:02	Egbert, Neil	Nature Of Call: 10-19
07/18/2012 12:16:22	Egbert, Neil	rp is 10-19
07/18/2012 12:16:53	Egbert, Neil	wanting to file a report for someone planting portals at social security offices that transport people against their will, its a form of kidnapping per rp
07/18/2012 12:44:52	Grant, Jesse	Dispatch received by unit 6A13
07/18/2012 12:45:11	Krocil, Lucie	c4
07/18/2012 13:47:15	Frost, Monique	rp goa

Dispositions

Disposition	Disposition Count
M	1

Associated Areas

Area Type Code	Description
Quadrant	003
Station	Sta 1
Beat	13W
District	
Police ORI	CA0010300
EMS ORI	
Fire ORI	01015

Incident Number(s)

Incident Number	ORI Number	Primary Unit	Department Name	Agency Type
2012-00038545	CA0010300	Yes	Berkeley Police Department	Police



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:58

From CFS: 99 From Date: 07/18/2012 12:15 CFS Type: All
To CFS: 99 To Date: 07/18/2012 12:15 Agency Type:
Layer: All Areas: All

CFS Number: 99 Call Date/Time: 07/18/2012 12:15:29 Primary Incident: 2012-00038545

Unit(s)

Unit	Primary Unit	Radio Number	Personnel
6A13	Yes	6A13	09996 Grant

Call Log

Log Date/Time	Entered By	Action	Description
07/18/2012 12:15:29	Egbert, Neil	Call Created	New call created. Call Type: NEW, Location: , Phone Number: , Name:
07/18/2012 12:15:30	Egbert, Neil	Person Added	Name:
07/18/2012 12:15:57	Egbert, Neil	Location	Location: 1303 SIXTY-SIXTH ST, Venue: Berkeley
07/18/2012 12:16:00	Egbert, Neil	Call Type	NewCallType: 5150, Status: In Progress, Priority: 2
07/18/2012 12:16:02	Egbert, Neil	Call Updated	Nature of Call: 10-19
07/18/2012 12:16:02	Egbert, Neil	Narrative Added	Nature Of Call: 10-19
07/18/2012 12:16:11	Egbert, Neil	Person Updated	Name: moore,xavier,, Location: <UNKNOWN>
07/18/2012 12:16:18	Egbert, Neil	Person Updated	Name: moore,xavier,, Location: <UNKNOWN>, Contact Phone: [REDACTED]
07/18/2012 12:16:22	Egbert, Neil	Narrative Added	rp is 10-19
07/18/2012 12:16:53	Egbert, Neil	Narrative Added	wanting to file a report for someone planting portals at social security offices that transport people against their will, its a form of kidnapping per rp
07/18/2012 12:16:54	Egbert, Neil	Call Ready for Dispatch	
07/18/2012 12:36:00		Call Timer Expired	Call Timer Expired
07/18/2012 12:44:48	Krocil, Lucie	Incident Created	Added Incident Number, ORI: CA0010300, Number: 2012-00038545
07/18/2012 12:44:48	Krocil, Lucie	Unit Status Action	Unit 6A13 Dispatched
07/18/2012 12:44:49	Krocil, Lucie	Unit Status Action	Unit 6A13 Enroute
07/18/2012 12:44:52	Grant, Jesse	Narrative Added	Dispatch received by unit 6A13
07/18/2012 12:45:11	Krocil, Lucie	Narrative Added	c4
07/18/2012 12:56:49		Unit Timer Expired	Unit 6A13;Enroute
07/18/2012 13:42:05	Krocil, Lucie	Unit Status Action	Unit 6A13 On Scene
07/18/2012 13:47:15	Frost, Monique	Narrative Added	rp goa
07/18/2012 14:35:16	Krocil, Lucie	Call Updated	Dispositions Changed
07/18/2012 14:35:16	Krocil, Lucie	Unit Status Action	Unit 6A13 cleared from call
07/18/2012 14:35:16	Krocil, Lucie	Call Cleared	



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:58

From CFS: 99 From Date: 07/18/2012 12:15 CFS Type: All
To CFS: 99 To Date: 07/18/2012 12:15 Agency Type:
Layer: All Areas: All

CFS Number: 99 Call Date/Time: 07/18/2012 12:15:29 Primary Incident: 2012-00038545

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
07/18/2012 12:44:48	Krocil, Lucie	6A13	Dispatched	Unit Status Change		1303 SIXTY-SIXTH ST, Berkeley
07/18/2012 12:44:49	Krocil, Lucie	6A13	Enroute	Unit Status Change		
07/18/2012 12:56:49	default_nws	6A13	Enroute	Unit Timer Expired		1303 SIXTY-SIXTH ST, Berkeley
07/18/2012 13:42:05	Krocil, Lucie	6A13	On Scene	Unit Status Change		
07/18/2012 14:35:16	Krocil, Lucie	6A13	Available	Unit Status Change		
07/18/2012 14:35:16	Krocil, Lucie	6A13	Available	Unit Cleared	Unit cleared from call	



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:59

From CFS: 642 From Date: 07/13/2012 16:26 CFS Type: All
To CFS: 642 To Date: 07/13/2012 16:26 Agency Type:
Layer: All Areas: All

CFS Number: 642 Call Date/Time: 07/13/2012 16:26:59 Primary Incident: 2012-00037661

Location: 1303 SIXTY-SIXTH ST BERKELEY, CA 94702 , Berkeley
Additnl Loc Info:
Common Name:
Phone:
Call Type: ADVICE Nature Of Call:
Status: COLD REPORT Report Required: No
Police ORI: CA0010300 Priority: 4
Source: Telephone
Fire ORI: 01015

Person Information

Name	Person Type	Address	Phone	Race	Sex	DOB	Age	SSN
Moore, Xavier	INVOLVED PARTY				Male	04/17/1971	41	
PAIGE-MOORE, ELY	REPORTING PARTY	<UNKNOWN>						
Paige-Moore, Elysse	REPORTING PARTY				Female	02/24/1952	61	

Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
07/13/2012 16:28:32	Frost, Monique	RP WOULD LIKE TO SPEAK W/ BEAT OFFICER, RE: 41 YO TRANSGENDER, SCHIZOPHRENIC SON WHO IS BEING TARGETED BY LOCAL DRUG ADDICT WHO RP BELIEVES IS GIVING HIM CRACK
07/13/2012 16:29:34	Frost, Monique	DRUG ADDICT: BFA 25-30...APPEARS TO BE PREGNANT...CURLY HAIR...COMES BY HOUSE TO SEE SON...WHICH RP DOES NOT WANT HER TO DO FOR FEAR THAT SHE WILL ROB THEM
07/13/2012 16:30:31	Frost, Monique	Nature Of Call:
07/13/2012 16:30:34	Frost, Monique	RP AT HOME
07/13/2012 21:06:25	Lee, Susan S.	Dispatch received by unit 7A13
07/13/2012 22:47:47	Lee, Susan S.	Dispatch received by unit 7A13
07/14/2012 01:40:25	Lee, Susan S.	Dispatch received by unit 7A13
07/14/2012 01:51:27	Lee, Susan S.	I spoke with Elysse. Elysse told me that her son, Xavier, is a transgendered male (to female) and has been diagnosed with schizophrenia. Xavier is mentally intelligent but has an emotional maturity of an eight year old.
07/14/2012 01:51:52	Lee, Susan S.	Xavier has befriended a drug addict in the neighborhood. Elysse believes that the drug addict provides Xavier with crack. Elysse believes that the drug addict is a bad influence to Xavier and believes that the drug addict is trying to take advantage of her son. Elysse is also afraid that the drug addict will steal from them. Elysse does not want the drug addict coming to her house or hanging out with Xavier.
07/14/2012 01:52:09	Lee, Susan S.	The ?drug addict? is described as follows: BF, 30?s, 5?5, thick build, pregnant, with jerry curled black hair down below her shoulders.
07/14/2012 01:52:35	Lee, Susan S.	Elysse wanted to inform PD of the situation. Elysse would like the PD to talk with the drug addict and tell her not to come around their residence and stay away from Xavier.
07/14/2012 01:53:10	Lee, Susan S.	I advised Elysse to call PD if the drug addict comes to their residence. I also informed Elysse of Berkeley Mental Health.



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:59

From CFS: 642
To CFS: 642
Layer: All

From Date: 07/13/2012 16:26
To Date: 07/13/2012 16:26
Areas: All

CFS Type: All
Agency Type:

CFS Number: 642 Call Date/Time: 07/13/2012 16:26:59 Primary Incident: 2012-00037661

Dispositions

Disposition	Disposition Count
M	1

Associated Areas

Area Type Code	Description
Quadrant	003
Station	Sta 1
Beat	13W
District	
Police ORI	CA0010300
EMS ORI	
Fire ORI	01015

Incident Number(s)

Incident Number	ORI Number	Primary Unit	Department Name	Agency Type
2012-00037661	CA0010300	Yes	Berkeley Police Department	Police

Unit(s)

Unit	Primary Unit	Radio Number	Personnel
7A13	Yes	7A13	09282 Lee



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:59

From CFS:	642	From Date:	07/13/2012 16:26	CFS Type:	All
To CFS:	642	To Date:	07/13/2012 16:26	Agency Type:	
Layer:	All	Areas:	All		
CFS Number:	642	Call Date/Time:	07/13/2012 16:26:59	Primary Incident:	2012-00037661

Call Log

Log Date/Time	Entered By	Action	Description
07/13/2012 16:26:59	Frost, Monique	Call Created	New call created. Call Type: NEW, Location: , Phone Number: , Name:
07/13/2012 16:26:59	Frost, Monique	Person Added	Name:
07/13/2012 16:27:05	Frost, Monique	Location	Location: 1303 SIXTY-SIXTH ST, Venue: Berkeley
07/13/2012 16:27:08	Frost, Monique	Call Type	NewCallType: ADVICE, Status: Cold Report, Priority: 4
07/13/2012 16:28:32	Frost, Monique	Narrative Added	RP WOULD LIKE TO SPEAK W/ BEAT OFFICER, RE: 41 YO TRANSGENDER, SCHIZOPHRENIC SON WHO IS BEING TARGETED BY LOCAL DRUG ADDICT WHO RP BELIEVES IS GIVING HIM CRACK
07/13/2012 16:29:34	Frost, Monique	Narrative Added	DRUG ADDICT: BFA 25-30..APPEARS TO BE PREGNANT...CURLY HAIR...COMES BY HOUSE TO SEE SON...WHICH RP DOES NOT WANT HER TO DO FOR FEAR THAT SHE WILL ROB THEM
07/13/2012 16:29:54	Frost, Monique	Person Updated	Name: PAIGE-MOORE, ELY,, Location: <UNKNOWN>
07/13/2012 16:30:08	Frost, Monique	Person Updated	Name: PAIGE-MOORE, ELY,, Location: <UNKNOWN>, Contact Phone: [REDACTED]
07/13/2012 16:30:15	Frost, Monique	Call Ready for Dispatch	
07/13/2012 16:30:31	Frost, Monique	Call Updated	Nature of Call: Removed
07/13/2012 16:30:31	Frost, Monique	Narrative Added	Nature Of Call:
07/13/2012 16:30:34	Frost, Monique	Narrative Added	RP AT HOME
07/13/2012 17:57:07		Call Timer Expired	Call Timer Expired
07/13/2012 21:06:24	Netz, Erin	Incident Created	Added Incident Number, ORI: CA0010300, Number: 2012-00037661
07/13/2012 21:06:24	Netz, Erin	Unit Status Action	Unit 7A13 Dispatched
07/13/2012 21:06:25	Lee, Susan S.	Narrative Added	Dispatch received by unit 7A13
07/13/2012 21:06:38	Netz, Erin	Unit Status Action	Unit 7A13 Enroute
07/13/2012 21:12:17	Lee, Susan S.	Unit Status Action	Unit 7A13 On Scene
07/13/2012 21:47:41	Netz, Erin	Unit Status Action	Unit 7A13 rerouted to call 722
07/13/2012 22:47:46	Lyons, Celyce J.	Unit Status Action	Unit 7A13 Dispatched
07/13/2012 22:47:47	Lee, Susan S.	Narrative Added	Dispatch received by unit 7A13
07/13/2012 22:47:48	Lyons, Celyce J.	Unit Status Action	Unit 7A13 Enroute
07/13/2012 22:47:53	Lyons, Celyce J.	Unit Status Action	Unit 7A13 On Scene
07/13/2012 22:48:01	Lyons, Celyce J.	Unit Status Action	FIELD PAPER
07/13/2012 22:59:09	Lyons, Celyce J.	Unit Status Action	Unit 7A13 cleared from call
07/14/2012 01:40:24	Lee, Susan S.	Unit Status Action	Unit 7A13 Dispatched
07/14/2012 01:40:25	Lee, Susan S.	Narrative Added	Dispatch received by unit 7A13
07/14/2012 01:41:02	Lee, Susan S.	Person Added	Name: Paige-Moore, Elysse, Sex: Female, DOB: 02/24/1952, Type: REPORTING PARTY
07/14/2012 01:41:40	Lee, Susan S.	Person Added	Name: Moore, Xavier, Sex: Male, DOB: 04/17/1971, Type: INVOLVED PARTY
07/14/2012 01:45:24		Unit Timer Expired	Unit 7A13; Dispatched
07/14/2012 01:51:27	Lee, Susan S.	Narrative Added	I spoke with Elysse. Elysse told me that her son, Xavier, is a transgendered male (to female) and has been diagnosed with schizophrenia. Xavier is mentally intelligent but has an emotional maturity ...



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:59

From CFS: 642
To CFS: 642
Layer: All

From Date: 07/13/2012 16:26
To Date: 07/13/2012 16:26
Areas: All

CFS Type: All
Agency Type:

CFS Number: 642 Call Date/Time: 07/13/2012 16:26:59 Primary Incident: 2012-00037661

Call Log

Log Date/Time	Entered By	Action	Description
07/14/2012 01:51:52	Lee, Susan S.	Narrative Added	Xavier has befriended a drug addict in the neighborhood. Elysse believes that the drug addict provides Xavier with crack. Elysse believes that the drug addict is a bad influence to Xavier and believ ...
07/14/2012 01:52:09	Lee, Susan S.	Narrative Added	The ?drug addict? is described as follows: BF, 30?s, 5?5, thick build, pregnant, with jerry curled black hair down below her shoulders.
07/14/2012 01:52:35	Lee, Susan S.	Narrative Added	Elysse wanted to inform PD of the situation. Elysse would like the PD to talk with the drug addict and tell her not to come around their residence and stay away from Xavier.
07/14/2012 01:53:10	Lee, Susan S.	Narrative Added	I advised Elysse to call PD if the drug addict comes to their residence. I also informed Elysse of Berkeley Mental Health.
07/14/2012 01:53:40	Lee, Susan S.	Call Updated	Dispositions Changed
07/14/2012 01:53:40	Lee, Susan S.	Unit Status Action	Unit 7A13 cleared from call
07/14/2012 01:53:40	Lee, Susan S.	Call Cleared	

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
07/13/2012 21:06:24	Netz, Erin	7A13	Dispatched	Unit Status Change		1303 SIXTY-SIXTH ST, Berkeley
07/13/2012 21:06:38	Netz, Erin	7A13	Enroute	Unit Status Change		
07/13/2012 21:12:17	Lee, Susan S.	7A13	On Scene	Unit Status Change		
07/13/2012 21:47:41	Netz, Erin	7A13	Available	Unit Cleared	Unit cleared from call	
07/13/2012 22:47:46	Lyons, Celyce J.	7A13	Dispatched	Unit Status Change		1303 SIXTY-SIXTH ST, Berkeley
07/13/2012 22:47:48	Lyons, Celyce J.	7A13	Enroute	Unit Status Change		
07/13/2012 22:47:53	Lyons, Celyce J.	7A13	On Scene	Unit Status Change		
07/13/2012 22:48:01	Lyons, Celyce J.	7A13	On Scene	Unit Location	FIELD PAPER	FIELD PAPER
07/13/2012 22:59:09	Lyons, Celyce J.	7A13	Available	Unit Cleared	Unit cleared from call	
07/13/2012 22:59:09	Lyons, Celyce J.	7A13	Available	Unit Status Change		
07/14/2012 01:40:24	Lee, Susan S.	7A13	Dispatched	Unit Status Change		1303 SIXTY-SIXTH ST, Berkeley
07/14/2012 01:45:24	default_nws	7A13	Dispatched	Unit Timer Expired		1303 SIXTY-SIXTH ST, Berkeley
07/14/2012 01:53:40	Lee, Susan S.	7A13	Dispatched	Disposition Added	Primary - No Paper	1303 SIXTY-SIXTH ST, Berkeley
07/14/2012 01:53:40	Lee, Susan S.	7A13	Available	Unit Cleared	Unit cleared from call	
07/14/2012 01:53:40	Lee, Susan S.	7A13	Available	Unit Status Change		



Detail Call For Service Report

Login ID: ahawk

Print Date/Time: 03/07/2013 12:59

From CFS: 642
To CFS: 642
Layer: All

From Date: 07/13/2012 16:26
To Date: 07/13/2012 16:26
Areas: All

CFS Type: All
Agency Type:

CFS Number:	642	Call Date/Time:	07/13/2012 16:26:59	Primary Incident:	2012-00037661
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BERKELEY POLICE DEPARTMENT

DATE ISSUED: May 4, 2009

GENERAL ORDER U-2

SUBJECT: USE OF FORCE

PURPOSE

- 1 - The purpose of this General Order is to provide Departmental standards on the reporting and use of force. This General Order supersedes all other Orders, Regulations, and training information to the extent that they are inconsistent with this Order.

POLICY

- 2 - Police officers may use reasonable force to (1) make an arrest, (2) prevent an escape of a suspect, (3) overcome resistance, or (4) maintain order.
 - (a) Under the Fourth Amendment of the United States Constitution, an officer can use reasonable force when doing so is reasonable under the totality of the circumstances as they appear through the eyes of the officer. Circumstances to be considered include the immediacy and severity of a threat to the safety of the officer or others, the severity of the crime involved, and whether a suspect is fleeing or resisting.
- 3 - In deciding what type of reasonable force to use, officers and employees must use sound judgment and their training to assess the degree of threat in a given situation, and to determine what Departmentally authorized force techniques or weapons will bring the situation under control in a reasonable manner.
 - (a) The Department uses a "use of force continuum" that refers to the concept that there are reasonable responses for every threat an officer faces in a hostile situation. The "spoked wheel" is one visual concept of the various options that an officer should consider in a threatening situation.
 - (b) The force utilized need not be sequential (e.g., gradual or preceded by attempts at lower levels of force) if those lower levels are not appropriate to the threat.

DEFINITIONS

- 4 - Lethal Force: Any use of force that creates a substantial risk of causing death or serious bodily injury.
- 5 - Less-Than-Lethal Force: **Any use of force which, due to possible physiological effects of application, presents less potential for causing death or serious injury than conventional lethal force options.**

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- (a) **Less-than-lethal force options include, but are not limited to, a specialized launcher, or other authorized device that can discharge, fire, launch or otherwise propel single or multiple flexible or non-flexible projectiles designed to cause physiological effects consistent with blunt force impact.**
- 6 - Non-Lethal Force: Any use of force other than lethal force or less-than-lethal force.
- 7 - Officer (or) Police Officer: Any sworn peace officer.
- 8 - Authorized Employee: Any non-sworn employee who has received defensive tactics training and has been authorized by the Chief of Police to use non-lethal force.
- 9 - Employee: Any non-sworn employee of the Berkeley Police Department, including those deemed "authorized employees."
- 10 - Deploy:
 - (a) With respect to less-than-lethal munitions, removal of a launcher, projectile or other device from its storage container for the purpose of operational use.
 - (b) With respect to chemical agents and smoke, removal of a canister or delivery device from its storage container for the purpose of operational use.
- 11 - Use:
 - (a) With respect to less-than-lethal munitions, to discharge a less-than-lethal munition.
 - (b) With respect to chemical agents and smoke, to discharge the contents of a canister or delivery device.

PROCEDURES

Use of Lethal Force

- 12 - Officers shall not discharge firearms or use other lethal force in connection with police duty, except in the following circumstances:
 - (a) When the officer reasonably believes that doing so is necessary to protect the officer or others from death or serious bodily injury, and, where feasible, some warning has been given.

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DATE ISSUED: May 4, 2009

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- (b) To apprehend a suspected fleeing felon:
 - (1) When necessary to prevent escape, and
 - (2) When the officer has probable cause to believe that the suspected fleeing felon poses a significant threat of death or serious bodily injury to the officer or others, and
 - (3) Where feasible, some warning has been given.
- (c) During other police duty:
 - (1) In supervised Department training sessions at an approved range, or other site.
 - (2) To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured. If possible, supervisory approval should be obtained prior to using lethal force to destroy an animal.

Use Of Vehicles

- 13 - Officers shall not use police vehicles to ram or block other vehicles, persons, or moving objects in a manner that reasonably appears to constitute the use of lethal force, except in the following circumstances:
- (a) When the officer reasonably believes that doing so is necessary to protect the officer or others from death or serious bodily injury, and, where feasible, some warning has been given.
 - (b) To apprehend a suspected fleeing felon:
 - (1) When necessary to prevent escape, and
 - (2) When the officer has probable cause to believe that the suspected fleeing felon poses a significant threat of death or serious bodily injury to the officer or others, and
 - (3) Where feasible, some warning has been given.

Deployment and Use of Less-Than-Lethal Force

- 14 - Less-than-lethal munitions shall only be deployed and used by trained officers authorized by the Chief of Police.
- 15 - Except during authorized training programs, less-than-lethal **force** shall be deployed only at the direction of a sergeant or command officer, **or the Incident Commander in a crowd situation.**

*Highlighted text is new.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: May 4, 2009

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- 16 - Less-than-lethal **force** shall only be used in the following situations, and, where feasible, **after** some warning has been given:
- (a) When an act of violence is occurring, or is about to occur;
 - (b) To overcome the resistance of a physically combative person, or to gain compliance from a non-compliant person reasonably believed to be armed;
 - (c) To deter a person who is reasonably believed to be armed and is threatening to harm him-/herself, another person, or an officer; or,
 - (d) To resolve a potentially violent incident not otherwise described above, when deemed reasonable by the authorizing sergeant or commander.
- 17 - When practical, approval for the deployment and use of less-than-lethal **force** will be obtained from the Patrol Division Watch Commander. If there is no Watch Commander on duty, deployment authorization will be requested from the Duty Command Officer (DCO).
- (a) **Prior to deployment, efforts should be made to ensure an appropriate medical response is available.**
 - (b) In the event exigent circumstances preclude prior command approval, the supervisor authorizing less-than-lethal **force** deployment shall notify the Watch Commander, or in his/her absence the DCO, as soon as practical.
- 18 - **In crowd situations, less-than-lethal force and/or chemical agents** shall not be used without the **prior** approval of the Chief of Police, or his/her designee, **unless exigent circumstances prevent the request from being made and the delay would likely risk injury to citizens or police personnel (e.g., rocks, bottles, or other projectiles are being thrown and immediate crowd dispersal is necessary).**
- (a) **In the event immediate use is necessary, notification to the Chief of Police, or his/her designee, should be made as soon as possible after the deployment.**

Use of Non-Lethal Force

- 19 - When lethal force and less-than-lethal **force** are not authorized, officers and authorized employees may use reasonable **approved** non-lethal force techniques and weapons in the following circumstances:
- (a) To protect themselves or another person from physical injury;
 - (b) To restrain or subdue a resistant individual; or

*Highlighted text is new.

BERKELEY POLICE DEPARTMENT

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- (c) To bring an unlawful situation safely and effectively under control.

Prohibited Uses of Force

20 - The following uses of force are prohibited:

- (a) Carotid Restraint Hold: Council Resolution No. 52,605 - N.S., dated February 14, 1985, "Prohibiting use of 'chokehold' for law enforcement purposes in the City of Berkeley" states: "Be it resolved by the Council of the City of Berkeley as follows: That the chokehold, including but not limited to the carotid restraint and the bar-arm hold, is hereby banned from use for law enforcement purposes in the City of Berkeley."
 - (1) The term bar-arm refers to a variety of techniques. As defined in the City Council Resolution, "bar-arm hold" refers to *any* use of the forearm to exert pressure against the front of the neck. However, other types of arm hold techniques (e.g., those that involve control of the arm, wrist or elbow) remain authorized.
- (b) Oleoresin Capsicum (pepper spray) for use as a crowd control technique is prohibited. On September 16, 1997, the City Council passed a policy recommendation that says, in part, "no pepper spray will be used for crowd control by the Berkeley Police Department."
- (c) **Deployment of less-than-lethal munitions from a shotgun is prohibited.**

Provision of Medical Attention

- 21 - When an officer or employee uses force that results in injury, or when a subject complains that an injury has been inflicted, the officer or employee shall ensure that the subject receives appropriate medical care. (See also General Order A-17)

Unauthorized Use of Force / Intervention and Reporting

- 22 - When an officer or employee witnesses any other officer or employee of this Department, or of any other law enforcement agency, use force that he or she believes is unauthorized, he or she shall do the following:
- (a) If the witness employee is a sworn officer, he or she shall immediately take reasonable action to attempt to mitigate such use of force. This may include verbal intervention or, if appropriate, physical intervention.
 - (1) A sworn officer's failure to act may potentially expose him/her to criminal charges and/or civil liability.

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- (b) Any officer or employee who observes a potentially unauthorized use of force shall make an oral report to an on-duty sergeant or a command officer at the first opportunity.

Use of Force / Reporting Requirements

- 23 - Any officer or employee who uses force shall, as soon as practical, make an oral report to an on-duty sergeant or command officer in the following four situations:
 - (a) When an officer discharges a firearm (intentional or unintentional) while on duty, except during a supervised training session.
 - (b) When an officer discharges a firearm while off-duty pursuant to his or her authority as a law enforcement officer.
 - (c) When an officer or employee uses force that results in death or injury, or when a subject complains that an injury has been inflicted. (See also General Order C-16)
 - (d) When an officer or employee uses a non-lethal *weapon* (e.g., Oleoresin Capsicum or baton) on a person, whether or not an injury is sustained, except in those situations deemed "Unusual Occurrences" as set forth in General Order U-4 and the Event Management Manual, in which case, the After Action Report will serve as the police report. (See also General Order U-4)
- 24 - The officer or employee must also complete a police or incident report in any of the above four situations.
- 25 - Whenever an officer or employee uses Oleoresin Capsicum (pepper spray), he or she must also complete a "Use of Pepper Spray Report" form. (See Training and Information Bulletin #216 for detailed instructions in completing this form)

Use of Force / Supervisor Responsibilities

- 26 - A sergeant shall immediately be assigned and shall respond to the scene in the following four situations:
 - (a) When an officer discharges a firearm (intentional or unintentional) while on duty, except during a supervised training session.
 - (b) When an officer discharges a firearm while off-duty pursuant to his or her authority as a law enforcement officer.
 - (c) When an officer or employee uses force (including, but not limited to, a non-lethal weapon) that results in death or injury, or when a subject complains that an injury has been inflicted. (See also General Order C-16)

*Highlighted text is new.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: May 4, 2009

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- (d) When an officer or employee reports a use of force by another officer or employee of the Department, or of any other law enforcement agency, that he or she believes is unauthorized.
- 27 - A supervisor shall complete a Use of Force Report in any of the above four situations.
 - (a) A supervisor shall complete a Use of Force Report whenever an officer or employee uses a non-lethal weapon on a person, even if no injury results.
 - (b) The supervisor shall attach copies of all police reports relating to the incident to the Use of Force Report. (See Use of Force Report form at the end of this General Order)
- 28 - The supervisor who completes the Use of Force Report shall route the Use of Force Report (with attached police reports) and/or Use of Pepper Spray Report forms to the Division Commander through the chain of command.

Use of Force / Administrative Review

- 29 - The Division Commander shall review the Use of Force Report (and when applicable, Use of Pepper Spray Report) and route the report to the Chief of Police with a recommendation of findings.
 - (a) The Chief of Police may convene a Review Board (as outlined in General Order R-3) instead of utilizing Division Commander Review.
- 30 - The Chief of Police will make a finding that the use of force was either within policy or initiate additional administrative review/investigation as may be appropriate.
- 31 - Any determination concerning the propriety of force used will be based on facts and the information available to the officer at the time the force was employed, and not upon information gained after the fact.
- 32 - All Use Of Force Reports will be reviewed to determine whether Departmental use of force regulations, policies, or procedures were: 1) violated or followed; 2) clearly understood, effective, and relevant to the situation; and/or, 3) require revision or additional training.
- 33 - Use of Force Reports will be held in file for five (5) years and then purged, unless needed for additional administrative action.

SPECIAL PROCEDURES / DEATHS AND SERIOUS BODILY INJURY

- 34 - In addition to the above, the Departmental response to incidents in which an officer uses force that results in death or a serious bodily injury shall be as follows:

*Highlighted text is new.

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- (a) The officer shall be placed on administrative leave as outlined in Police Regulation 325: " ... If any person is seriously injured or killed as a result of an officer's actions, including the discharging of a firearm, such officer shall be placed on administrative leave for a period of time, as determined by the Chief of Police, depending upon the circumstances of the situation. The officer(s) shall not return to regular duties until he/she meets with a mental health professional."
- (b) The Department shall conduct both an administrative and criminal investigation of the incident as outlined in General Order P-12 (Police-Involved Shootings And Fatal or Serious Injury Incidents); and a Review Board shall be convened as described in General Order R-3.

References: *Tennessee v. Garner* (1986) 471 U.S. 1
Graham v. Connor (1989) 490 U.S. 386
Doerle v. Rutherford (9th Cir. 2001) 272 F.3d 1272
California Penal Code §§196, 197, 835, 835(a), 836, 836.5, and 843
General Orders A-17, C-16, **C-64**, F-2, P-12, **P-26**, R-3 and U-4
Police Regulations 202, 318, 321, 322, 323, 324, 325 and 332
Training and Information Bulletin 216
Lethal and Non-Lethal Force Manual
Uniform and Equipment Manual
City of Berkeley Council Resolution No. 52,605 – N.S. (2/14/85),
"Prohibiting use of 'chokehold' for law enforcement
purposes in the City of Berkeley"
National Tactical Officers Association, General Policy Statement
for Less-Than-Lethal Impact Projectiles (11/22/2002)

BERKELEY POLICE DEPARTMENT

DATE ISSUED: July 12, 2010

GENERAL ORDER H-6

SUBJECT: HANDCUFFING AND TEMPORARY RESTRAINT SYSTEMS

PURPOSE

- 1 - The purpose of this General Order is to provide guidelines on the use of handcuffs and other temporary restraint systems.

POLICY

- 2 - It shall be the policy of this Department to handcuff or otherwise effectively restrain all arrested persons (excluding infraction citations where no transport is necessary), or detainees as reasonably necessary, to protect the lives and safety of officers, the public, and the person arrested.

PROCEDURESGeneral

- 3 - Officers shall restrain an arrested or detained person's hands behind the person's back, except as authorized in paragraph 6 of this Order.
- 4 - Temporary restraint systems shall be employed in a manner consistent with Department-approved training.
 - (a) When employed, hand or ankle cuff systems shall be double locked, if so designed.
 - (b) Officers shall not employ temporary restraint systems in a manner that results in extraordinary discomfort or would facilitate the person's opportunity to escape.
- 5 - Officers shall ensure that the restrained person is supervised at all times.
- 6 - If a person's hands cannot be restrained behind his/her back because of large body mass, physical disability, injury, or obvious state of pregnancy, without causing unnecessary pain or aggravation of the injury or disability, officers will attempt to accommodate the person's condition by using alternative means of restraint.
 - (a) Alternative means of restraint include, but are not limited to:
 - (1) Handcuffing the person with his/her hands in front of his/her body.
 - (II) If a person is handcuffed in front, the officer should use supplemental restraining devices around the person's waist to prevent him/her from striking or choking an officer or others.

*Highlighted text is new.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: July 12, 2010

GENERAL ORDER H-6

- (2) Handcuffing the person behind the back with **multiple sets of linked handcuffs.**
- (3) **Use of a full or partial body restraint systems (e.g., the WRAP, ankle restraint systems, ambulance gurney with five-point straps, etc.)**
 - (i) **While initial use of handcuffs behind the back and hands-on control techniques may be necessary for officer safety, if circumstances dictate greater care should be taken during transportation, supplemental restraint devices and/or alternative transportation options should be considered.**
- (b) In deciding whether **restraint of a person's hands behind his/her back** will aggravate a physical disability, injury, or obvious state of pregnancy, the officer should consider the totality of circumstances, including:
 - (1) Observable signs of disability (e.g., partial paralysis, convulsive seizure activity, medic alert ID, disabled person placard, etc.);
 - (2) Statements of the person or others regarding the person's condition; and,
 - (3) Indications the person is at significant risk of positional asphyxiation (**ref. Training Bulletin #234**).

Juveniles

- 7 - **Juveniles under 12 years of age shall not be handcuffed unless** he/she:
 - (a) Resists being taken into custody;
 - (b) Threatens the officer, himself/herself, or others with harm;
 - (c) Through words or actions causes the officer to believe he/she may attempt to escape from custody; or,
 - (d) The detention is associated with a violent **incident.**
- 8 - **When evaluating the use of temporary restraint systems,** due consideration shall be given to the age of the juvenile and to the emotional impact which the use of handcuffs may have.

Detentions

- 9 - Handcuffing of individuals who are not under arrest, but are being detained,

*Highlighted text is new.

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should be done only if reasonably necessary.

- 10 - The use of handcuffs** during a detention, and reason for their application, shall be documented in a police report.

References: General Orders T-2 and J-18

Training and Information Bulletins #234 and 247

Special Order #03-26, "Change In Procedures – Juvenile Handcuffing and Juvenile Miranda Rights" (9/11/2003)

*Highlighted text is new.

BERKELEY POLICE DEPARTMENT TRAINING AND INFORMATION BULLETIN



DATE: April 15, 2008

NUMBER: 247

SUBJECT: "THE WRAP" RESTRAINT

PURPOSE

Defensive tactics techniques are employed by law enforcement to control, and if necessary immobilize, violent or potentially combative people who have been taken into custody. This training bulletin is intended to familiarize Department personnel with "The WRAP" physical restraint device and guidelines for its use.

DEVICE DESCRIPTION

The WRAP, manufactured by Safe Restraints, Inc., is designed as a temporary restraining device. Comprised of a Velcro-strapped leg panel, torso harness, ankle strap, and backside handcuff carabiner, the device immobilizes the body into a straight-legged seated position. Used properly, it restricts a subject's ability to do harm to oneself or others. Officer safety is enhanced and the risk of injury to the subject is reduced.

USE OF THE WRAP

Consistent with policy detailed in General Order T-2, The WRAP may be used:

- To restrain a combative person.
- To prevent potential violent/combative behavior.
- To inhibit a violent subject's efforts to injure themselves.
- To prevent a violent subject from causing property damage.
- To facilitate safe physical transportation of violent/combative subjects.
- When conventional methods of restraint are not effective.

As with any restraint device, do not assume The WRAP is escape-proof. Once applied, **THE SUBJECT SHOULD NOT BE LEFT UNATTENDED.**

A person restrained by The WRAP can be placed on their side or in a sitting position. This will increase the person's oxygen recovery rate and reduce the potential for respiratory fatigue or positional asphyxia.

DEVICE APPLICATION

Only qualified personnel who have received training in the use of The WRAP should use this restraining device. Throughout the application of the WRAP, the subject must

***Entire text is revised.**

be physically controlled. Notwithstanding the subject's restraint, officers' should remain aware of the person's ability to bite, spit or use head strikes against them.

To safely apply The WRAP, it is recommended that no less than three (3) officers are involved in the following procedure:

- 1) After controlling and handcuffing the subject, restrain him/her into a prone (face down) position.
- 2) Cross the subject's ankles and secure them with The WRAP's ankle strap. Ensure the strap's black Velcro side is facing outward and the hand-carry loop is facing toward the front of the subject's body.
- 3) Slide The WRAP's restraint panel under the subject's legs and place the label marked "Knees Here" under the his/her knees.
- 4) Tightly secure the panel's three Velcro straps, starting with the strap closest to the subject's feet.
- 5) Place the handcuff chain into the torso harness' carabiner and engage the carabiner's lock mechanism.
- 6) Maintain control of the subject and reorient him/her into a seated position.
- 7) Place the harness over the subject's head and direct its restraint straps under the person's arms to the front of his/her torso. Buckle the restraint straps to the harness and pull both straps snug (do not over-tighten.)
- 8) Attach the torso harness' front tether strap to the carabiner (located at the bottom of the device's restraint panel, near the ankles) and engage the carabiner's lock mechanism.
- 9) Pull the tether strap until the subject is held by the harness system in an upright position (do not over tighten.)

TRANSPORTATION

Movement of the subject can be accomplished in three ways, depending on the level of their cooperation. The subject can either be carried, allowed to stand and shuffle walk, or be transported in a vehicle.

To safely carry a person restrained in The WRAP:

No less than three (3) officers should be employed to lift and carry a person restrained in The WRAP. Two officers hold and lift the subject from under each of his/her arms. The third officer holds and lifts via the ankle strap's carry loop. Additional officers and a "log lift" carrying technique may be used depending on the subject's size and/or level of continued violence.

IMPORTANT: Proper lifting technique should be used to prevent unnecessary injury.

To facilitate movement by shuffle walk:

If the subject has calmed and is amenable, an option to carrying is allowing the person to shuffle walk. Loosen the lower strap of the restraint panel (nearest the ankles) just enough to allow some leg movement below the subject's knees. Then, loosen the torso harness' tether strap to let the subject stand upright. Controlled and assisted by no less than two (2) officers, allow the subject to shuffle walk to the desired location.

Vehicle Transportation:

Use a transportation vehicle appropriate for the manner in which a person is restrained. If available and practical, use the vehicle's seat belt to limit the person's movement and reduce the risk of his/her injury. For additional relevant information and policy on prisoner transportation, refer to General Order T-2.

Prior to vehicle transportation, re-check all belts (on the device and vehicle safety restraints, if used) to ensure that they are securely fastened. Whenever possible, two officers should accomplish the transportation: one driver and one prisoner observer. Maintaining observation of the restrained prisoner serves to ensure The WRAP remains secure and increases the ability to determine if the subject exhibits any medical problem.

DEVICE REMOVAL

To remove The WRAP restraint, reverse the application procedure. Based on the prisoner's combativeness or level of aggression, officers should employ appropriate subject control techniques and tactics when removing restraint devices. Having a plan of action that every officer understands, working as a team, and taking sufficient time to implement the plan will enhance employee safety during this dangerous period of the subject's custody.

SAFETY PRECAUTIONS

Officers who use The WRAP should always be mindful of the following safety issues:

- THE SUBJECT SHOULD NOT BE LEFT UNATTENDED.
- The WRAP is a temporary restraint device and is not escape-proof.
- The WRAP should only be used by personnel trained in its function and application.
- All device restraint straps should be checked frequently for tightness, and adjusted, as necessary, until The WRAP is removed.
- The torso harness restraint straps should never be tightened to the point they interfere with the subject's ability to breathe.
- As soon as possible after being restrained in The WRAP, a prisoner should be placed in an upright sitting position or on their side to allow for respiratory

recovery; relieve abdominal pressure as soon as practical to mitigate the potential for positional asphyxia.

- If a restrained subject complains of, or exhibits any of the following physiological conditions, immediate medical attention may be required (refer to General Order A-17):

- Respiratory distress
- Sudden quiet or inactivity
- Chest pains, shooting pains down the arm
- Change in facial color
- Elevated temperature ("I'm burning up!")
- Vomiting

CARE, STORAGE AND MAINTENANCE

It is important The WRAP is maintained and stored in a condition ready for immediate use. When properly prepared, The WRAP can be quickly deployed and efficiently applied without adding confusion to an already chaotic situation.

To properly prepare The WRAP for storage in the carrying bag:

- 1) Detach the torso harness, lay the leg panel on a flat surface with the restraint strap side up, and open each strap.
- 2) Fold each restraint strap onto itself so that the fold (point of bend) of the strap extends an inch or two beyond the edge of the leg panel.
- 3) Ensure the panel's carabiner is unlocked and ready for use.
- 4) Keep the closed strap inside the panel as you roll the panel toward the buckle edge. Secure the rolled panel with the ankle strap, its carry loop exposed, and place into the carrying bag.
- 5) Fully extend the torso harness restraint straps and tether, leaving enough strap available to grab onto (approx. 2"-3".)
- 6) Attach the side strap buckles to their harness-mounted counterpart, roll up the harness, and place it in the carry bag's interior side compartment.

The WRAP should be inspected after each use, or minimally at a regular interval, for signs of wear or damage. If any damage is discovered, forward The Wrap to the Patrol Division Fleet Manager for repair or replacement. If cleaning is necessary, warm water and a mild detergent appropriate for use on vinyl polyester and nylon material should be used. Thoroughly rinse all components and allow them to air dry completely before returning the device to its carry bag.

Should the equipment become contaminated by blood or other bodily fluid that could transmit a blood-borne pathogen (BBP), don appropriate personal protective equipment (e.g., nitrile gloves) and place the equipment into a paper bag (double bag, if

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necessary.) If decontamination cannot be accomplished prior to the end of the involved officer's duty shift, the bag containing equipment must be labeled as a bio-hazard and forwarded to the Patrol Division Fleet Manager for follow-up action.

To clean soiled equipment, use an approved disinfectant/decontaminant cleaner or well-diluted bleach solution (ten (10) parts water, one (1) part bleach). Again, any person handling/cleaning contaminated equipment must wear appropriate PPE. Soiled disposable towels and any equipment so contaminated that cleaning is impractical or not possible should be discarded in accordance with bio-hazard waste management procedures prescribed in the City's BBP Program/Exposure Control Plan.

The WRAP leg restraint panel is made of Texinene, a PVC-coated woven polyester fabric, and its straps are Nylon banding. According to TMI, LLC, a polyester fabric manufacturer, and available Material Safety Data Sheets for both materials, neither is reactive to, or harmed by, chlorine bleach. AVOID THE USE OF HYDROGEN PEROXIDE, as Texinene may be adversely effected due to chemical reaction.

CONCLUSION

The WRAP is a physical restraint device that has time and again proven its value to this department. Like any tool of our trade, training, proper use, and equipment maintenance are essential components of a successful safety system. By following the procedures and recommendations presented in this Training and Information Bulletin, this system will continue to promote both officer and prisoner safety for many years to come.

Douglas N. Hambleton
Chief of Police

References: General Orders A-17, H-6, T-2 and V-4
City of Berkeley Blood-Borne Pathogens Program,
Exposure Control Plan (November 2007)

BERKELEY POLICE DEPARTMENT**DATE ISSUED:** January 24, 2013**GENERAL ORDER:** C-66**SUBJECT: CRISIS INTERVENTION TEAM**PURPOSE

- 1 - The purpose of this General Order is to set forth departmental policy and procedures for the Crisis Intervention Team.

POLICY

- 2 - To maximize safety for officers, mental health consumers and the public, it is the policy of the Berkeley Police Department to utilize, whenever possible, Crisis Intervention Team Officers for specified mental health crises.
- 3 - The Department's Crisis Intervention Team (CIT) is composed of specially trained officers whose function is to respond to incidents which involve a mental health crisis, where the officer's specialized skills may be used to resolve such an incident and to provide further assistance, beyond the actual call, for the individual involved.
- 4 - The CIT Program has four primary objectives:
 - a) To attempt to de-escalate crisis situations.
 - b) To attempt to reduce the necessity for the use of force.
 - c) To attempt to reduce recidivism among mentally ill criminal offenders.
 - d) In collaboration with the community mental health system, consumer advocacy groups and the courts, to continuously work toward meeting these goals.

DEFINITIONS

- 5 - Crisis Intervention Team (CIT): A specialized team operating within the Operations Division designated to respond to calls involving persons experiencing a mental health crisis.
- 6 - Crisis Intervention Team Member: A member of the department who has completed 38 hours of POST certified CIT training (i.e., crisis de-escalation, signs and symptoms of mental illness, local resources for persons in a mental health crisis) and achieved CIT certification. Participation as a team member is voluntary, and team members have received specialized and specific training in

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order to be a resource to other officers.

- 7 - CIT Council: A community collaborative comprised of law enforcement personnel, court officials and mental health advocates, responsible for continuously providing feedback on and improving/sustaining the Crisis Intervention Team. The Council also reviews individual cases and formulates recommendations.
- 8 - Mental Health Consumer: A description commonly used by the mental health community when referring to an individual diagnosed with a mental illness or who is involved in a mental health crisis and utilizes mental health services.
- 9 - Crisis Intervention Team Coordinator: A CIT trained Sergeant or Officer responsible for the development and maintenance of the CIT program.

PROCEDURES**General**

- 10 - Whenever possible, CIT officers shall respond to specified calls for service involving individuals experiencing mental health crises. The use of CIT trained personnel is not limited to situations or calls involving the mentally ill, but extends to any circumstance wherein an individual is in need of crisis intervention due to a psychological/emotional crisis and/or when the individual is a danger to himself/herself, others or is gravely disabled.

CIT Officer Selection

- 11 - The position of CIT Officer is an ancillary duty assignment. Officers interested in becoming a member of the Berkeley Police Department CIT will complete a standard *Special Assignment Application Form*.

CIT Officer Identification

- 12 - CIT Officers may be identified by a "CIT" lapel pin on their uniforms, affixed in silver letters (gold for CIT trained commanders), affixed over the name plate on the right shirt pocket. The pin acts as an identifier to other officers, mental health

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consumers/family members and members of the general public that the officer has completed CIT training.

Automatic Dispatch of CIT Personnel

- 13 - The Communication Center shall automatically dispatch the closest available CIT Officer(s) to the following incidents:

Calls involving actively suicidal subjects.

Calls normally dispatched as "violent 5150."

Incidents involving suspected mentally ill subjects with a weapon.

Hostage situations or barricaded subjects, until relieved or otherwise directed by the Barricaded Subject/Hostage Negotiation Team (BSHNT).

- 14 - The Communication Center shall advise if there are no available CIT Officers to respond.

Dispatch/Patrol Officer Unit Requests

- 15 - In situations other than those specified under the guidelines established for automatic dispatch protocol, call takers, dispatchers and patrol officers can prompt, and/or request the response of CIT personnel. Situations may include:
- a) Calls for service when it becomes known that a subject may benefit from CIT intervention.
 - b) A family disturbance call when it is determined that an individual suffers from a mental illness.
 - c) On-scene patrol officers who determine a need and requests CIT personnel to respond.

Berkeley Mental Health Mobile Crisis Team (MCT) Coordination

- 16- The MCT is a mobile emergency mental health service staffed by licensed mental health professionals and interns. The MCT offers crisis intervention, counseling

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follow-up and consultation services work collaboratively with police personnel, including CIT officers, acting as professional adjuncts. MCT clinicians may be used by CIT officers as consultants by assisting with crisis intervention. The MCT may also assist by helping to generate appropriate referrals and disposition recommendations for CIT officers.

Barricaded Subject Hostage Negotiation (BSHNT) Coordination

- 17- If available, on duty CIT personnel shall respond to any incident involving a barricaded subject or hostage taker. If there are no BSHNT Tactical or Negotiator Element personnel on scene, the CIT officer may act as the primary negotiator until relieved by BSHNT personnel.

CIT Personnel: On-Scene Responsibilities

- 18- On-scene CIT personnel are responsible for the following:
- a) Determining if the call for service warrants a CIT response.
 - b) W&I 5150 evaluations.
 - c) In the event an Emergency Psychiatric Detention is warranted, the CIT Officer shall prepare the required documentation and make any appropriate referrals.
 - d) If also functioning as the primary patrol unit, the CIT Officer shall complete the appropriate offense report and recover any of the property or evidence for safe keeping, if applicable.

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DATE ISSUED: January 24, 2013

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DATE ISSUED: January 18, 2005

GENERAL ORDER P-12

SUBJECT: POLICE-INVOLVED SHOOTINGS AND FATAL OR SERIOUS INJURY INCIDENTS

PURPOSE

- 1 - The purpose of this Order is to delineate the policy for investigating officer involved shootings or other incidents involving officer/employees which result in serious injury or fatalities **and to thoroughly investigate all serious incidents involving multiple jurisdictions or personnel from other law enforcement agencies.**

POLICY

- 2 - Investigation of police-involved shootings or other incidents, which result in serious injury or death, are complex and demanding. The consequences of such an incident can be profound and affect many people in the Department and the community. For these reasons, it is the policy of the Berkeley Police Department to investigate all such incidents thoroughly, fairly and in compliance with the directions of this Order.

PROCEDURES

- 3 - The Berkeley Police Department will investigate all police-involved shootings or other incidents which result in serious injury or death that occur in the City of Berkeley, whether they involve Berkeley Police employees or employees of another law enforcement agency. **If a serious incident takes place in two or more jurisdictions, each part of the incident will be investigated by the agency having primary jurisdiction over the geographical area in which that part occurs. The policy applies to sworn officers and non-sworn employees who are on duty, and it applies to sworn officers who are off duty but assume an on-duty status to accomplish a police objective.**

An "Officer Involved Shooting and Fatal/Serious Injury Incidents Checklist for Sergeants /Watch Commanders is attached at the end of this directive. The Checklist should be used to facilitate the investigation, with appropriate copies routed to the Administrative Division Captain, Division Commander(s) of the involved employee(s) and the Homicide Detail.

- (a) When a police-involved shooting or other incident results in serious injury or death, a member of the Berkeley Police Department Homicide Detail shall notify the Alameda County District Attorney's on-call "Officer-Involved Shooting Team" or "Homicide Unit." These notifications may be made via the Alameda County Sheriff Department's Dispatchers.

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- (1) The District Attorney's Office will determine if the incident is one that they will respond to. Where deemed appropriate by the District Attorney's Office, they will conduct an investigation independent and apart from our investigations.
 - (b) If the District Attorney's Office determines they will respond, the Homicide Detail shall insure they are provided with a summary of all investigative information upon arrival at the incident scene. Members of the District Attorney's Office shall be allowed to view and photograph the scene and all physical evidence. They shall also be provided with the opportunity to interview all witnesses and involved officer(s)/employee(s).
 - (1) The District Attorney's Office will conduct a separate investigation of the incident without interfering and will receive full cooperation from members of the Berkeley Police Department, including being present at officer/employee interviews and submitting questions in writing to be asked of the involved personnel.
 - (c) Upon completion of their investigation, the District Attorney's staff will provide the Berkeley Police Department with a written report of their investigation, generally within 30 days of the incident.
- 4 - Shootings or incidents which result in injury or death, involving an on-duty or off-duty Berkeley Police Department employee and which occur in another jurisdiction, will be investigated by that jurisdiction.
 - (a) In all cases involving Officer Involved Shootings or serious injury incidents by Berkeley Police Officers in another jurisdiction, a member of the Berkeley Homicide Detail will be contacted by the Communications Center to respond to the incident scene. He/she will coordinate and serve as a liaison for our Department.
- 5 - The purpose of any criminal investigation conducted under this Order is to determine if a crime occurred, and if so, to identify the person(s) responsible, the degree of the crime, any legal or factual defenses to the crime, and the existence of any factors which might mitigate or aggravate the punishment for the violation(s) committed. **The criminal investigation will be conducted as soon as possible after the incident becomes known and will take precedence over any administrative investigation that may be required by another association policy statement or policy of another agency.**

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- 6 - An administrative investigation will be conducted concurrently with, but separate from, any criminal investigation of a police-involved shooting, serious injury incident or death conducted under this Order.
 - (a) The criminal investigation shall have priority.
- 7 - The purpose of the administrative investigation conducted under this Order is to identify training deficiencies and to determine if there are any violations of policy or procedures of the Berkeley Police Department, and if so, the identity of the person(s) responsible for the violation(s).

DEFINITIONS

- 8- Serious Injury: A serious injury is an injury which if sustained could possibly result in death or permanent disability.
- 9 - Types of incidents covered under this Order are defined as:
 - (a) Officer involved shootings, accidental or intentional, whether or not there is injury or death.
 - (b) Any intentional or negligent act on the part of an employee of the Berkeley Police Department while performing his/her official duties which causes the death of or serious injury to another person.
 - (1) Officer/Employee involved fatal/serious injury incidents in which a vehicle collision is the apparent cause shall be handled by the California Highway Patrol relative to the traffic/criminal investigation.
 - (2) Departmental personnel assigned to our Fatal Accident Investigation Team (FAIT) representing the Homicide Detail and Crime Scene Unit shall assist the California Highway Patrol in their investigation if requested. This includes but is not limited to duties such as assistance with evidence collection, coordinating interviews, etc.
 - (3) In situations where a vehicle collision or other vehicular movement is involved but it not the direct cause of death, or where the vehicle collision is one of a series of events resulting from a violation of law apart from the collision itself, Homicide Detail shall retain responsibility for the investigation but may obtain assistance from the California Highway Patrol for the traffic related portions of the incident.

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- (c) Any intentional or negligent act on the part of an employee of any outside law enforcement agency while performing his/her official duties in the City of Berkeley which causes the death of or serious injury to another person.
- 10 - All Police Department employees are covered by this Order. Employee is defined as:
 - (a) Any full-time regular salaried sworn or non-sworn employee.
 - (b) Any part-time salaried employee **or Police Reserve Officer.**
 - (c) Any volunteer employee while actually performing duties at the direction of or with the consent of the Chief of Police.
- 11 - Investigators, as included in this Order, are defined as:
 - (a) Sworn police officer(s) of the Berkeley Police Department assigned by the Chief of Police to conduct the criminal investigation of any incident covered by this Order.
 - (b) Sworn police officer(s) of the Berkeley Police Department assigned by the Chief of Police to conduct the administrative investigation of any incident covered by this Order.
 - (c) Members of the District Attorney's Office of Alameda County assigned by the Alameda County District Attorney to conduct the criminal investigation of any incident covered by this Order.

RESPONSIBILITIES

- 12 - Criminal investigations conducted under this Order shall be conducted by members of the Homicide Detail, or if unavailable, an investigator assigned by the Chief of Police.
- 13 - Administrative investigations conducted under this Order shall be conducted by the Internal Affairs Bureau, or if unavailable, an investigator assigned by the Chief of Police.

INVESTIGATIVE PROCEDURES

- 14 - The officers conducting the investigation are required to follow the rules of law which apply to all criminal proceedings including constitutional, statutory, and

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case law regarding rights which are covered by the United States Constitution's 4th, 5th, 6th, and 14th Amendments.

- (a) The investigation is to be performed in a manner that both is and appears to be thorough, fair, complete, and professional and provides an investigation, which is free of conflicts of interest.
- (b) **For incidents involving outside agency personnel, a representative of the agency employing the involved law enforcement personnel will be afforded the opportunity to monitor the investigation, be present during questioning regarding the incident and within a reasonable period of time, to have access to all materials and documents pertinent to, or generated throughout the investigation.**

(c) Notifications:

Upon identifying an occurrence as an officer involved shooting or other incident which results in serious injury or death, the Patrol Watch Commander or senior on-duty Sergeant shall insure the following notifications are made, except where noted:

- (1) Homicide **Supervisor**, or On-call Detective
- (2) Duty Command Officer
- (3) Chief of Police
- (4) Division Commander(s) of the involved personnel
- (5) **Public Information Officer**
- (6) Internal Affairs Investigator
- (7) Alameda County District Attorney's representative

(a) This contact will be made by the Homicide Detail.

SCENE PROCEDURES

15- Emergency life saving measures have the first priority.

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(a) If a person is transported to a hospital with possible "fatal injuries," an officer should accompany that injured person in the same vehicle in order to:

- (1) Locate, preserve, safeguard, and maintain the chain of physical evidence.
- (2) Obtain a dying declaration (Evidence Code 1242); a spontaneous statement (Evidence Code 1240); a contemporaneous statement (Evidence Code 1241); a statement of then-existing or previous mental or physical state (Evidence Code 1250, 1251).
- (3) Maintain custody of the person if he/she has been arrested.
- (4) Provide information to medical personnel about the incident as relevant to treatment, and obtain information from medical personnel relevant to the investigation.
- (5) Identify relevant people, including witnesses and medical personnel.
- (6) Be available for contacts with the victim's family, if appropriate.

16 - The scene(s) must be secured immediately with a perimeter established for each a sufficient distance away to safeguard evidence. In some circumstances an inner and an outer perimeter are appropriate.

- (a) Access to the scene(s) must be limited to only those officials who must enter for an investigative purpose.
- (b) A written log will be established as quickly as possible to identify all persons entering the scene(s), the time of their entry and exit, and the reason for entry.
- (c) When not needed for life saving efforts, entry by fire and ambulance personnel should be restricted to the absolute minimum necessary to perform the needed duties.
- (d) No items shall be moved inside the scene(s) or removed from a scene without approval of the scene supervisor unless absolutely necessary for public or officer safety or for preservation of evidence.

If removal without approval is necessary, the removal must be witnessed and logged. The log shall state the identity of the person removing the described object, the reason for removal, a witness to the removal, and the time of removal. The item should be photographed prior to removal.

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17 - If any type of weapon or instrument was involved in the fatal incident, the supervisor at the scene will promptly have the item secured or collected as follows:

- (a) If the area is secure, loose weapons or instruments shall be left in place and undisturbed.
- (b) If the area is not secure, the supervising officer at the scene shall decide whether the items can be safely left in place or whether prompt removal is necessary. If such items must be moved or removed for protection, they should be photographed in place prior to removal if possible.
- (c) If an involved officer still has personal possession of a weapon he/she used in the incident, the supervising officers at the scene shall take steps to get the officer removed from the scene as soon as possible. The supervising officer shall promptly but discreetly obtain possession of the involved officer(s) weapons and gun belt assemblies.
 - (1) Preferably, this should be done at the **Public Safety Building** or at another location with consideration given towards being out of the view of the public and/or other officers if possible.
 - (2) Side arms shall not be removed from their holsters; obtain the entire gun belt if necessary to avoid moving the weapon from its holster.
 - (3) Unless there are mitigating circumstances, the supervising officers shall take steps to immediately give the involved officer(s) a replacement firearm and/or any other equipment, which was collected as evidence.
- (d) In shooting cases, the supervising officer shall attempt to identify all firearms, which may have been discharged by other officers who were present at the time of the incident to ensure that all discharged firearms are identified and collected. Where a duty sidearm, which is collected, is in the personal possession of an officer it shall be immediately replaced.
- (e) The supervising officer collecting any weapon or instrument will describe in his/her report its description, condition and the location of any trace evidence adhering to it. These observations should be made without removing a firearm from its holster or otherwise compromising physical evidence. The location where the weapon or instrument was first observed by the supervising officer, and the identity of the person or location from which the weapon or instrument was received shall also be recorded.

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- (1) In firearms cases, the supervising officer will also make note of whether the firearm is cocked, has its safety "engaged" has its hammer back, any apparent jamming of either fired or unfired ammunition; the location and position of the weapon's magazine (e.g. fully or partially inserted, completely separate from the firearm, missing, etc.), to the extent possible without removal of the weapon from its holster.
 - a. If the mechanism of a firearm is obviously jammed, no attempt shall be made to unload the weapon or clear the jam.
 - b. If the firearm is found in a single action condition (hammer/firing mechanism cocked), the safety shall be engaged by the supervising officer, who must make note of that fact. If the firearm's hammer is back, it shall be lowered, but note must be made of that fact.
- (f) Any officer receiving a weapon or instrument from another person or obtaining it otherwise shall note its serial number if readily visible without removing the weapon from its holster or otherwise compromising physical evidence and to maintain the chain of evidence.
- (g) Otherwise, weapons and instruments will not be disturbed in any way. They shall not be handled by anyone other than the supervising officer and that officer shall handle them minimally to preserve the exact state of the weapon or instrument when received.
- 18 - The collected weapons or instruments shall be transferred to the Identification Expert for processing.
- 19 - Any other physical evidence at the scene, which is in danger of being contaminated, destroyed or removed, must be promptly and effectively observed, recorded, and then protected for subsequent collection. Evidence adhering to live participants (such as blood stains), footprints, and fingerprints, volatile substances, various types of trace evidence, and firearms discharge evidence, are examples.
- 20 - Transporting and Sequestering of Involved Officers:
 - (a) Officers who were present at the scene at the time of the incident, whether involved parties or witnesses, will be relieved of their duties at the scene as promptly as possible and transported to the **Public Safety Building**.

Highlighted text is new.

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- (1) As soon as practical, the involved officers(s)/employee(s) shall have photographs taken of any injuries they suffered, and/or any damage to or physical evidence present on their attire.
 - (b) An uninvolved officer shall remain with the involved officer(s) until they can be interviewed. The sequestering officers are present to ensure the officers have privacy and that their needs are accommodated, they should not be present during confidential (privileged) conversations.
 - (c) Involved officers are to refrain from discussing the incident among themselves, with sequestering officers, or with anyone other than their representative(s) prior to the investigative interview process.
- 21 - Custodial Death Scenes:
When an incident occurs in a jail facility or other location where inmates may have witnessed something, inmates should be identified and separated if possible, pending interviews by criminal investigators.

INTERVIEWING POLICE EMPLOYEES

- 22 - Under the Public Safety Officers Procedural Bill of Rights ("The Act") (Government Code Section 3300 et seq):
- (a) The Act is applicable only to "Public Safety Officers." It is not applicable to police employees who are not peace officers.
 - (b) The Act is not applicable to interviews with Public Safety Officers who are being interviewed by other than their Employing Agency.
 - (c) The Act is not applicable to interviews with Public Safety Officers when being interviewed by other than their Employing Agency when the investigation is concerned solely and directly with "alleged criminal activities."
- 23- If prior to or during the interrogation of a Public Safety Officer it is deemed that he or she may be charged with a criminal offense, he or she shall be immediately informed of his or her constitutional rights. {Per Government Code Section 3303, (h)}.
- 24 - Interviews will be conducted separately.
- 25 - Interviews will normally be fully tape-recorded.

Highlighted text is new.

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- 26 - The interviewees will be considered as witnesses unless the circumstances dictate otherwise.
- 27 - Police employees have the same rights and privileges regarding interviews that any other citizen would have, including the right to consult with a representative prior to interview and the right to have legal counsel present during the interview.
 - (a) The legal counsel shall be allowed to consult with the employer about the facts of the incident privately.
 - (b) If the representative is not a doctor, lawyer, psychotherapist, or priest, or an agent of such professional, the contents of private conversations between the representative and his/her police employee "client" are not privileged.

CHEMICAL SUBSTANCE TESTING

- 28 - If, during the criminal investigation of an incident covered by this Order, the investigator determines that there is probable cause to believe that a Police employee, as defined in paragraphs 8(c) and 9 above, is or may be under the influence of a chemical substance, the investigator shall obtain a sample of the subject's blood and urine consistent with the requirements of the California Evidence Code, State and case law.
- 29 - During the administrative investigation of an incident covered by this Order, the investigator shall follow City policy:

On November 25, 1986, under Resolution Number 53,543A-N.S. the City Council passed the following resolution:

PROHIBITING VOLUNTARY OR MANDATORY DRUG TESTING OF CITY OF BERKELEY EMPLOYEES UNLESS SPECIFICALLY AUTHORIZED BY THE CITY COUNCIL.

BE IT RESOLVED by the Council of the City of Berkeley as follows:

That as a public policy, the City of Berkeley is not interested in voluntary or mandatory drug testing of City employees without the specific authorization of the City Council.

All members of the Berkeley Police Department shall follow this policy.

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REVIEW PROCESS

- 30 - All incidents investigated under this Order, which involve Berkeley Police Department employees, shall be reviewed by the Chief of Police and a Review Board as outlined in General Order R-3.

References: General Orders C-15, E-3, R-3 and T-16*
Government Code Sections 3300, et seq.
Police Regulation 323
Special Order 87-56263, September 23, 1987, "Drug Testing"
CALEA Standards
Alameda County District Attorney Guidelines for Investigation of Officer
Involved Shooting Incidents
**Alameda County Chiefs of Police and Sheriff's Association Policy
Statement Adopted July 1998**

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EXAMPLE FORM

<i>Berkeley Police Department</i> OFFICER INVOLVED SHOOTING AND FATAL/SERIOUS INJURY INCIDENT CHECKLIST FOR SERGEANTS/WATCH COMMANDERS	
Respond immediately to scene and assume command	
Establish Field Command Post if necessary	
Secure scene	
Immediate attention to any injured parties	
Request ambulance to scene and/or to "stage"	
Broadcast crime/suspect(s) information	
Insure the following notifications are made:	
* Homicide Sergeant or his/her designee - Responds to scene and assumes primary responsibility for investigation (except for designated traffic collisions handled by CHP - refer General Order T-16)	
** Homicide Detail to contact the Alameda District Attorney's Office (contact "on call" Officer Involved Shooting Team or Homicide Unit via ACSD Dispatch)	
* Duty Command Officer	
* Chief of Police	
* Division Commander(s) of involved personnel	
* Public Information Officer	
* Internal Affairs Sergeant(s)	
Obtain preliminary information from all involved officers/personnel (i.e., ascertain who might have fired their weapons and others who were present, etc.)	
Focus on relevant questions of "what happened" for purpose of (1) public safety; (2) exigent circumstances; and (3) delineation and management of crime scene(s)	
Remove all involved personnel from scene - take to Public Safety Building* (Refer " Public Safety Building* " checklist)	
Designate officer responsible for providing overview of investigation	
Designate officer to maintain log of all personnel entering and leaving the scene (shall include personnel from other City Departments or other agencies)	

Highlighted text is new.

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Request I.D. Technician to process the scene/Crime Scene Unit Sergeant notified of incident	
Witness statements (witnesses may be taken to Public Safety Building for interviews if appropriate)	
Designate officer(s) for scene diagram	
Designate officer(s) for neighborhood check	
For officer involved shooting situations, insure two cases are initiated (the first for the event which precipitated the shooting, the second for the shooting investigation)	
Insure proper collection of all evidence (see PSB checklist)	

PUBLIC SAFETY BUILDING SUPPLEMENTAL CHECKLIST FOR SERGEANTS/WATCH COMMANDERS

Insure segregation of all involved personnel (including refraining from discussing incident with other employees)	
Assignment of an officer to sit with involved personnel pending continuance of the investigation	
Officer involved shootings - Unless there exists mitigating circumstances, at PSB (or other appropriate site) take gun and gun belt assembly as evidence from officers when it has been determined they fired their weapons (replacement sets maintained at PSB* gun locker)	
Officer involved shootings - if unclear who fired, or such a designation is in dispute, guns/gun belts taken from all involved officers. If there is no dispute, examine weapons and magazines of officers at the scene but allow them to maintain possession	
Insure all seized guns/gun belts are turned over to Crime Scene Unit personnel for processing	

cc: Captain of Administration, Division Commander, Homicide Detail

Completed by: _____ *Date/Time:* _____

BERKELEY POLICE DEPARTMENT

DATE ISSUED: June 12, 2008

GENERAL ORDER R-3

SUBJECT: REVIEW BOARD PROGRAM

PURPOSE

- 1 - The purpose of **this Order** is to provide a procedure through which the Chief of Police can review an incident involving a police department employee, equipment **or policy** to **examine relevant** facts **in furtherance of an administrative inquiry or action**.

POLICY

- 2 - A Review Board **shall** be **convened as a** fact-finding body and, unless specifically **required or** requested to do otherwise, shall refrain from expressing opinions or making recommendations.
- 3 - The Chief of Police has sole authority to convene a Review Board **as provided by this Order**.

PROCEDURES

- 4 - A Review Board shall be comprised of Departmental **employees** of appropriate rank and seniority, **as determined by the Chief of Police**.
 - (a) **Regarding the composition of a Board**, the **Chief of Police** will consider the **nature** of the subject matter **under inquiry** and the **relevant** qualifications of the **employees** selected to serve as members.
- 5 - The Chairperson of a Board shall be designated by the **Chief of Police**.
- 6 - When appointed, the Chairperson of the Board shall, within seven (7) calendar days, convene the **Review** Board and conduct an investigation into the matter within its jurisdiction.
- 7 - The Chairperson shall appoint a Recorder from the membership of the Board.
 - (a) **The Recorder** will be responsible for taking meeting minutes **and for** preparation of the final report **to the Chief of Police**.
- 8 - Any Board member may select a **qualified subject matter** advisor or resource person to provide **relevant information to the Board**.
- 9 - The Board shall avail itself of any Department facility necessary to conduct a complete examination of the circumstances **subject to administrative review**.

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- (a) Department employees shall provide assistance or information as requested by the Review Board to facilitate its thorough and objective inquiry.
- 10 - When a Review Board requests the presence of a subject employee at hearing, the employee shall be informed of the nature of the inquiry prior to the hearing.
- 11 - Whenever a Review Board's inquiry may result in findings prejudicial to an employee in a criminal or administrative proceeding, the subject employee shall be afforded the opportunity to appear before the Board, and present relevant information and evidence.
- 12 - As provided by law or as directed by the Chief of Police, the Board will allow a subject employee to have a representative (e.g., legal counsel, a collective bargaining unit representative, etc.) present during a Board proceeding in which he/she is participating.

ESTABLISHED REVIEW BOARDS

- 13 - The Chief of Police has established the following standing Review Boards, to be convened as needed or directed by related policy directive:
 - (a) Traffic Accident Review Board.
 - (b) Police-involved Shooting/Injury Review Board.
 - (c) Complaint Board of Review.
- 14 - The Traffic Accident Review Board shall be responsible for review of all traffic collisions involving a Department employee operating a City-owned vehicle, as set forth in General Order E-3.
 - (a) After evaluating all evidence, the Traffic Accident Review Board will reach a majority decision and present in its final report a recommendation of "Preventable" or "Not Preventable."
- 15 - The Police-involved Shooting/Injury Review Board shall be responsible for Department employee-involved incidents involving the use of a firearm or incidents resulting in serious injury or death, as set forth in General Order P-12.
 - (a) After evaluating all evidence, the Police-involved Shooting/Injury Review Board will reach a majority decision, and absent other direction from the Chief of Police, present in its final report a recommendation of "Within Policy," "In Violation of Policy," or

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"Accidental."

16 - The Complaint Board of Review shall be responsible for examination of Internal Affairs Bureau investigations of external personnel complaints and, if directed by the Chief of Police, policy complaints, as set forth in General Order P-26.

- (a) After evaluating all information, the Complaint Board of Review will reach a majority decision and present a recommendation for complaint disposition as described in General Order P-26.

FINAL REPORT TO CHIEF OF POLICE

17 - Unless otherwise directed by policy or the Chief of Police, the Chairperson shall submit a final report of the Board's examination and any other related reports within **ten (10) business** days following the end of the hearing to the **Chief of Police**.

- (a) The final report shall contain the findings of the Board and the concurring or non-concurring signatures of all its members.
 - (1) Dissenting members of a Board may submit a minority report which shall be included with the final report.
 - (2) The final report shall contain the findings and, when so directed, recommendations of the Board.
 - (3) Upon approval of the final report by the **Chief of Police**, the Board shall be deactivated.
- (b) Documents, photographs, and related evidence used during the Board's examination shall be submitted with the final report.

18 - All information associated with Board of Review proceedings shall be deemed confidential, and the final report package shall be administered in accordance with established personnel record management procedures.

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19 - The memorandum format below shall be used when preparing a final report:

EXEMPLAR

To: (Chief of Police)

From: (Name of Review Board)

Subject: (XXXXXXXXXXXXXXXXXXXX)

Composition of the Board: (The Chairperson and members of the Board will be identified).

Summary of the Investigation: (This will be a statement in chronological sequence of the incident and the Board's examination).

Conclusion: (This will contain a statement of the Board's findings and recommendation(s) (e.g., Preventable or Non-preventable)).

Additional Observations: (This entry is optional and can be used to provide the Chief of Police with additional or independent information or observations).

References: General Orders E-3, P-12 and P-26
Government Code Section 3300, et seq.